PREFACE

This policy manual applies to all peace officer employees.

This policy manual also applies to all non-peace officer professional staff, with the exception of those individual policies that apply specifically to peace officers, conflict with City of Monterey rules and regulations, or conflict with the memorandum of understanding between the City of Monterey and general representation units.
MONTEREY POLICE DEPARTMENT - MISSION / VISION / VALUES

MONTEREY POLICE DEPARTMENT - MISSION STATEMENT
Responsive to All, Second to None, Every Time

MONTEREY POLICE DEPARTMENT - VISION
The Monterey Police Department is a professional, dynamic and innovative organization with the highest ethical standards.
The MPD is committed to serving our community with honor, dignity, fairness and respect.

MONTEREY POLICE DEPARTMENT - VALUES
M - Maximize, Value and Train our MPD Workforce
• Positive Work Environment / Recognition / Training / Communication

P - Proactively Police the City of Monterey to Ensure a Low Crime Rate
• Problem Solving / Prevention / Intervention / Suppression / Data Driven

D - Develop, Embrace and Enhance Community Partnerships
• Community Partnerships / Collaboration / Communication / Social Justice
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## Monterey PD Policy Manual

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Chapter 1 - Law Enforcement Role and Authority
Law Enforcement Authority

100.1 PURPOSE AND SCOPE
The purpose of this policy is to affirm the authority of the members of the Monterey Police Department to perform their functions based on established legal authority.

See attachment: MCCLEOA Notice of Consent 1990.pdf
See attachment: MCCLEOA Entry in Other Jurisdictions 1997.pdf
See attachment: POM MOU 09-10-03.pdf
See attachment: County Courthouse signed 03-22-18.pdf

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

100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE MONTEREY POLICE DEPARTMENT
The arrest authority outside the jurisdiction of the Monterey Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person committed a felony.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.

(c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

(d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.

(e) In compliance with an arrest warrant.

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

On-duty officers who discover criminal activity outside the jurisdiction of the City should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.
100.2.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE MONTEREY POLICE DEPARTMENT
The arrest authority within the jurisdiction of the Monterey Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.

(c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.

(d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

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

(a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
   1. A misdemeanor committed in the presence of the officer.
   2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

(b) The arrest is made in a public place.

(c) The arrest is made with the person in custody pursuant to another lawful arrest.

(d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.2.4 OREGON AUTHORITY
Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when officers are acting:

(a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents
'Law Enforcement Authority

or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Monterey Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

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

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

100.4 INTERSTATE PEACE OFFICER POWERS
Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

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

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

101.1 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.

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

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

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

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

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

102.4 MAINTENANCE OF RECORDS
The oath of office shall be filed as prescribed by law (Government Code § 3105).
Policy Manual

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

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

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

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

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

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

Adult - Any person 18 years of age or older.

CCR - California Code of Regulations (Example: 15 CCR 1151).
CHP - The California Highway Patrol.
City - The City of Monterey.
Professional Staff - Employees and volunteers who are not sworn peace officers.
Department/MPD - The Monterey Police Department.
DMV - The Department of Motor Vehicles.
Employee - 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 employed or appointed by the Monterey Police Department, including:
  • Full- and part-time employees
  • Sworn peace officers
  • Reserve, auxiliary officers
  • Professional Staff employees
  • Volunteers.
Officer - Those employees, regardless of rank, who are sworn peace officers of the Monterey Police Department.
On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.
Order - A written or verbal instruction issued by a superior.
POST - The California Commission on Peace Officer Standards and Training.
Rank - The title of the classification held by an officer.
Shall or will - Indicates a mandatory action.
Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.
Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.
The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

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

**USC** - United States Code.

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

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

### 103.6 PERIODIC REVIEW OF THE POLICY MANUAL
The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

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

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

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

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

104.1 OUTSIDE AGENCY - OPERATIONAL AGREEMENTS / PROTOCOLS / PROCEDURES / MOU'S

Monterey County Chief Law Enforcement Officer Association (MCCLEOA) Operational Agreements/Protocols/Procedures:
See attachment: MCCLEOA Notice of Consent 1990.pdf
See attachment: MOCO Active Shooter Guidline 2015.pdf
See attachment: Mty Co DA Brady Policy 2010.pdf
See attachment: MCCLEOA Entry in Other Jurisdictions 1997.pdf
See attachment: OIS signed Guidelines MCCLEOA 11-08-18.pdf

Monterey Police Department - Memorandum of Understandings (MOU)/Operational Agreements/Protocols with various entities:
See attachment: Navy MOU 02-22-2019 Ag-7569.pdf
See attachment: La Mesa Army Navy MOU.PDF
See attachment: POM MOU 08-09-12.pdf
See attachment: Lower Presidio Map.pdf
See attachment: County Courthouse signed 03-22-18.pdf
See attachment: SRU MOU 2010.pdf
See attachment: SRU Policy Manual 05032022.pdf
See attachment: SRU Procedure Manual Updated 02-7-2020.pdf
See attachment: 11-01-12 PRVNT Signed MOU.pdf
See attachment: Monterey Rape Crisis Operational Agreement 08-18-16.PDF
See attachment: MOU between NGCA CDTF PRVNT 2016.pdf
See attachment: SART Protocol 2020-compressed.pdf
See attachment: SART Protocol Appen 2020 -compressed.pdf
See attachment: Mtnt Hlth Protocol 2010.pdf
See attachment: BHCNT MOU 05-30-13.pdf
See attachment: BHCNT MOU Amnd 1 09-27-16.pdf
See attachment: MPUSD SRO 11-09-17.PDF
See attachment: Monterey County Policy 4512 Law Enforcement Naloxone Monterey County.pdf

104.2 MONTEREY POLICE DEPARTMENT PROCEDURAL MANUALS

Monterey Police Department Procedural Manual - General

See attachment: 1040 After-Action Reports Debriefings Prior 8707.pdf
See attachment: 1041 Vacant Residence Prior 8908.pdf
See attachment: 2030 Training Procedures Prior 8302.pdf
See attachment: 2070 Position Coverage Procedures Prior 8904.pdf
See attachment: 3030 Defensive Tactics Prior 9501.pdf
See attachment: 3080 Road Block Observation Plan of Enforcement Prior 0902.pdf
See attachment: 3090 DV Advocate Procedure 062518.pdf
See attachment: 3210 Counter Reports Prior 0504.pdf
See attachment: 3210 Attachment 1-Counter Report Form Prior 0504.pdf
See attachment: 3230 Subpoena Processing and Court Appearances Prior 0501.pdf
See attachment: 3310 Bilingual Cert Proc - Prior Dir 0006 Bilingual Policy.pdf
See attachment: 3450 Pawn and Secondhand Dealers - prior Dir 0001.pdf
See attachment: 3460 Prisoner Transport Prior Dir 0204.pdf
See attachment: 3461 Sobering Center Procedure.pdf
See attachment: 4060 Hazardous Material Prior 9001.pdf
See attachment: 4060 Attachment 1-BIO TERROR THREAT DISPACTH PRO.pdf
See attachment: 4060 Attachment 2-BIO TERRORISM HAZ-MAT RES GUIDV2.pdf
See attachment: 4060 Attachment 3-HAZ-MAT GROUP SUPERVISOR CHECKLIST V3.pdf
See attachment: 4130 ICE Requests for Information.pdf
See attachment: 4160 Field Training Officer Policy Prior 8809.pdf

See attachment: 5010-Collision-Investigation-Prior 8703.pdf

See attachment: 5011 Fleet Safety Prior 0802.pdf

See attachment: 5040 Use of the Evidential Portable Alcohol System Prior 0405.pdf

See attachment: 5050 Vehicle Code Equipment Violation Sign Off Prior 0205.pdf

See attachment: 5070 Removal of Abandoned Veh Prior Dir 0404.pdf

See attachment: 7030 Vehicle Maintenance and Repair Prior 8408.pdf

See attachment: 8010 Telephone Radio Video Surveillance Recording Prior 0801.pdf

See attachment: 8020 Evidence and Property Control - Procedures.pdf

See attachment: 8080 Vicious Dog Procedures Prior 0701.pdf

See attachment: 8081 Mountain Lion Procedures Prior 0406.pdf

See attachment: 8082 Barking Dog Complaints Prior 8708.pdf

See attachment: 8100 Grant Funding Prior Dir 0202.pdf

See attachment: 8101 Contract Processing priordir 0503.pdf

See attachment: 8102 Calcard Purchasing Procedures Prior Dir 0603.pdf

See attachment: 10010 Employee Perf Eval Proced Prior 8402.pdf

See attachment: 10020 Personnel Assignments and Rotation Prior 9102.pdf

See attachment: 10140 Commendations and Awards Prior 9401.pdf

See attachment: 10200 Overtime Sick-Time Workers Comp Time Prior 8303.pdf

See attachment: 10250 Limited Duty Assignment Prior 8501- Temporary.pdf

See attachment: 10290 On-Call Call-Out and Response Procedures Prior 0207.pdf

See attachment: 10300 Vacation and Other Time Off Prior 9201.pdf

See attachment: 10300 Exchange Day Request Prior 9201.pdf

See attachment: 10310 Peer Support and CISM Prior 3050 Critical Incident Stress Management Prior 9901.pdf

See attachment: Ride-Along Attachment 1-Media Guidelines.pdf

See attachment: Ride-Along Attachment 2-Media Info.pdf

See attachment: Ride-Along Attachment 3-Rider Info.pdf

See attachment: Ride-Along Attachment 4-Student Info.pdf

See attachment: Ride-Along Attachment 5 Waiver Parent.pdf
Operational Agreements / Protocols / Procedures / MOUs / Forms

See attachment: Ride-Along Attachment 6 Waiver.pdf
See attachment: IIPP Final 08-2017.pdf
See attachment: IIPP Appendices Final 08-2017.pdf
See attachment: Monterey Exposure Control Plan 01-2018.pdf
See attachment: Retiree Conceal Carry Application 07-01-2021.pdf
See attachment: Patrol.procedure.FOP 12-14-22.pdf

Monterey Police Department Jail Manual
See attachment: JAIL MANUAL 2015.pdf

Monterey Police Department Investigations Procedural Manual
See attachment: Photo and In-Person Line-Up Report 11-27-17.pdf

104.3 MONTEREY POLICE DEPARTMENT - VARIOUS FORMS
Monterey Police Department - Various Forms
See attachment: MPD Transmittal Form 07-17-15.pdf
See attachment: POR - Original.pdf
See attachment: Claim-for-Damages-Form.pdf

Monterey Police Department - Employee Evaluation Forms
See attachment: PD.Eval.Narrative.pdf
See attachment: PD.PRE.Eval.pdf

Monterey Police Department - Personnel Complaint and Commendation Forms
See attachment: Public Compl-Commen Form 12-12-17.pdf

104.4 LEGAL REFERENCE
See attachment: California Values Act (Govt Code 7284).pdf
Law Enforcement Code of Ethics

105.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their department at all times.

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

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

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

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

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

105.3.1 OBJECTION TO RELIGIOUS AFFIRMATION
Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.
Chapter 2 - Organization and Administration
Organizational Structure and Responsibility

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

200.2 DIVISIONS
The Chief of Police is responsible for administering and managing the Monterey Police Department. The Office of the Chief of Police consists of: the Chief of Police, Operations, Administration Division and the Finance/Analytics Unit. Operations is commanded by the Assistant Chief of Police, whose primary responsibility is to provide general management direction and control for the Patrol Division and the Investigations/Special Operations Division. The Finance/Analytics Unit is commanded by an Administrative Analyst, whose primary responsibility is to provide general management direction and control for the: Finance/Analytics Unit and the Support Services Unit. The Administration Division is commanded by a Lieutenant. There are three divisions in the Police Department, as follows:

- Patrol Division
- Investigations/Special Operations Division
- Administration Division

See attachment: MPD Org Chart Generic-8-2017.pdf

200.2.1 PATROL DIVISION
The Patrol Division is commanded by a Lieutenant, whose primary responsibility is to provide general management direction and control for the Patrol Division. The Patrol Division consists of: A Platoon, B Platoon, Traffic Detail and the Field Training Officer (FTO) program.

200.2.2 INVESTIGATIONS/SPECIAL OPERATIONS DIVISION
The Investigations/Special Operations Division is commanded by a Lieutenant, whose primary responsibility is to provide general management direction and control for the Investigations/Special Operations Division. The Investigations/Special Operations Division consists of: the Investigations Unit, the Peninsula Regional Violence and Narcotics Team (when MPD is tasked with supervising PRVNT) and the Community Action Team (CAT).

200.2.3 ADMINISTRATION DIVISION
The Administration Division is commanded by a Lieutenant, whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of: the Records/Jail Unit, Evidence Unit, Personnel/IA/Training Unit and the MPD Volunteers.
200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND
The Chief of Police exercises command over all personnel in the Department. In the absence of the Chief of Police the Assistant Chief assumes command of the department. During planned absences if the Assistant Chief is not available the Chief of Police will designate a Division Commander to serve as the acting Chief of Police.

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

(a) The Assistant Chief of Police
(b) Patrol Division Commander
(c) Investigations/Special Operations Division Commander
(d) Administration Division Commander
(e) Watch Commander

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, 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.
Department Directives

201.1 PURPOSE AND SCOPE
Department 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.

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL
Department Directives will be incorporated into the manual as required, upon review by Staff and approval of the Chief of Police. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

Any Departmental Directive issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number 001. For example, 16-001 signifies the first Directive for the year 2016.

Departmental Directives that are anticipated to be permanent in nature or that have been in effect for 12 months or more shall be revised and incorporated into the policy manual as an order.

A copy of all Departmental Directives shall be maintained by the Chief's Administrative Assistant and be made available electronically to all department personnel. The Administrative Assistant shall maintain a tickler file to alert the Chief of Police of any directive that has been in effect for 12 months or more.

201.2 RESPONSIBILITIES

201.2.1 CHIEF OF POLICE
The Chief of Police shall issue all Departmental Directives for the Police Policy Manual.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES
All employees are required to read and obtain any necessary clarification of all directives. All employees are required to acknowledge in writing the receipt and review of any new directives. Signed acknowledgement forms and/or e-mail receipts showing an employee’s acknowledgement will be maintained by the Personnel/IA Sergeant (Training).
Emergency Management Plan

202.1 PURPOSE AND SCOPE
The City has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or other emergency event. The Monterey Fire Department (MFD) is responsible for managing the Plan. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

202.2 ACTIVATING THE EMERGENCY PLAN
The Emergency Management Plan can be activated on the order of the official designated by local ordinance.

202.2.1 RECALL OF PERSONNEL
In the event that the Emergency Management Plan is activated, all employees of the Monterey Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

202.3 LOCATION OF THE PLAN
The Emergency Management Plan is available on the City of Monterey Intraweb, Records and the Watch Commander's office. All supervisors should familiarize themselves with the Emergency Management Plan. Supervisors should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

Monterey Emergency Operations Plan (Managed by MFD)
Training

203.1 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.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Training Procedures.

See attachment: 2030 Training Procedures Prior 8302.pdf

203.2 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) or California Standards and Training for Corrections (STC).

203.3 OBJECTIVES
The objectives of the Training Program are to:

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

203.4 TRAINING PLAN
A training plan will be developed and maintained by the Personnel/IA Sergeant (Training). It is the responsibility of the Personnel/IA Sergeant (Training) to maintain, review, and update the training plan on an annual basis.

203.5 TRAINING NEEDS ASSESSMENT
The Administration Division (Training) Sergeant will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.
203.6 TRAINING COMMITTEE
The Administrative Lieutenant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the Training Sergeant acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Administrative Lieutenant may remove or replace members of the committee at his/her discretion. Priority for selection of the committee should be given to both uniformed and non uniformed personnel.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.
(b) Incidents involving a high risk of death, serious injury or civil liability.
(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene at a minimum of once per calendar year with additional meetings as determined by the Personnel/IA Sergeant (Training) to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Personnel/IA Sergeant (Training). The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Personnel/IA Sergeant (Training) will consider the recommendations of the committee and submit this information to the Administrative Commander. Goals will then be developed to determine what training should be addressed, taking into consideration the mission of the Department and available resources.

203.7 TRAINING PROCEDURES
(a) Employees attending training either in-house or external are on-duty employees and shall dress appropriately, be attentive and represent the Monterey Police Department in a professional manner.

(b) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor.

(c) Excused absences from mandatory training should be limited to the following:

1. Court appearances
2. Primary and secondary choice vacation
3. Sick leave
4. Physical limitations preventing the employee’s participation.
5. Emergency situations

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

203.8 DAILY TRAINING BULLETINS
The Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Monterey 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 Personnel/Training Sergeant.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Personnel/Training Sergeant. 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.

203.9 POLICY
The Department shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

203.10 PERSONNEL/IA SERGEANT (TRAINING)
The Chief of Police shall designate a Personnel/IA Sergeant (Training) who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required
Training

training is completed. The Personnel/IA Sergeant (Training) should review the training plan annually.

203.10.1 TRAINING RESTRICTION
The Personnel/IA Sergeant (Training) is responsible for establishing a process to identify officers who are restricted from training other officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).
Electronic Mail

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

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

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

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

204.3 PROHIBITED USE OF EMAIL
Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Division Commander. Personal advertisements are not acceptable.

It is a violation of this policy to transmit a message under another user's name. Users are strongly encouraged to log off the network when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password by others.
204.4 EMAIL RECORD MANAGEMENT
Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records and Maintenance and Release Policy.
Administrative Communications

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

205.2 MEMORANDUMS
Memorandums 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.

205.3 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 the Chief of Police or their designee. When preparing correspondence on Department letterhead, the preparer will place the initials of the person the letter is prepared for in capital letters, followed by the preparers initials in small letters (ex., if the letter was prepared for Abraham Lincoln by Alice Kennedy several lines under the signature line would read AL:ak)

205.4 SURVEYS
All surveys made in the name of the Department shall be authorized by the Chief of Police or a Division Commander.
License to Carry a Firearm

206.1 PURPOSE AND SCOPE
The Chief of Police is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

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

206.2 POLICY
The Sheriff of Monterey County has agreed to process resident applications for CCW permits for all residents of Monterey County. At the discretion of the Chief of Police, the Monterey County Sheriff will process applications and license renewals for the carrying of concealed weapons in the City of Monterey.

The Chief of Police retains the authority to issue CCW permits to Monterey Reserve Police Officers.

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

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

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

206.4 CONFIDENTIAL RECORDS
The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered public record (Government Code § 7923.808).
License to Carry a Firearm

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

206.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

(a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Monterey (Penal Code § 26150).

(b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).

(c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

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

207.1 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.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Position Coverage Procedures.

See attachment: 2070 Position Coverage Procedures Prior 8904.pdf

207.2 MINIMUM STAFFING LEVELS
The Patrol Commander will ensure that at least one field supervisor is deployed during each watch. If a supervisor is not available an acting supervisor will be designated.

MINIMUM STAFFING - GENERAL GUIDELINES
The below minimum staffing guidelines represent regular/usual staffing levels but they are also intended to be flexible, based upon the circumstances of any given day/time. As such, the Field Supervisor / Watch Commander shall have the authority and discretion to determine shift staffing levels on a daily basis:

Watch 1
• (1) Sergeant & (4) Officers

Watch 2
• (1) Sergeant & (4) Officers

Watch 3
• (1) Sergeant & (3) Officers

Watch 2/3 Overlap (2130-0230)
• Sunday - Thursday - (1) Sergeant & (6) Officers
• Friday & Saturday - (2) Sergeants & (7) Officers
Retiree Concealed Firearms

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

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

Qualified former or retired officers applying for a CCW, shall complete the attached Retired Officer CCW Endorsement form and forward it to the Office of the Chief of Police:

See attachment: Retiree Conceal Carry Application 07-01-2021.pdf

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

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

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

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

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person’s former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

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

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

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

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

(a) A photograph of the retiree.

(b) The retiree’s name and date of birth.

(c) The date of retirement.

(d) The name and address of this department.

(e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped “No CCW Privilege.”
208.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION
The Monterey Police Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

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

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

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

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
(b) Remain subject to all applicable department policies and federal, state and local laws.
(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

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

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

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

208.7 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD
A CCW endorsement for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety (Penal Code § 25470).

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

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree’s last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.
2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped “No CCW Privilege.”

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch
Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).

2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

3. The personal and written notification should be as follows:
   (a) The retiree’s CCW endorsement is immediately and temporarily suspended.
   (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
   (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

208.8 FIREARM QUALIFICATIONS
The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.
Chapter 3 - General Operations
Use of Force

300.1 PURPOSE AND SCOPE
This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

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

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

300.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

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

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

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

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

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

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

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

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

300.3 THE CRITICAL DECISION-MAKING MODEL
The Critical Decision-Making Model (CDM) is a tool for helping officers make well-informed, organized decisions about how they will act in any situation, including situations that may involve potential uses of force.

The CDM is a circular five-step process, in which officers collect information; assess a situation; consider their powers and authority; identify options and choose a course of action; and then take action, review, and re-assess the situation. If an officer's action does not have the desired result, or if conditions change at any time, the officer can restart the process or move to any of the five steps, as appropriate. This process is commonly called "spinning the model."

Officers should consider the CDM when evaluating potential use of force situations.
Use of Force

- Collect Information
- Assess Situation, Threats, and Risks
- Proportionality
- Ethics
- Values
- Sanctity of Life
- Consider Police Powers and Agency Policy
- Identify Options and Determine Best Course of Action
- Act, Review, and Re-Assess

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

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

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

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

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

300.4.1 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).

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

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

(l) Training and experience of the officer.
(m) Potential for injury to officers, suspects, bystanders, and others.
(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
(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.

300.4.3 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.

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

300.4.5 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 Monterey Police Department for this specific purpose.
300.4.6 ALTERNATIVE TACTICS - DE-ESCALATION
As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

(a) Summoning additional resources that are able to respond in a reasonably timely manner.

(b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.

(c) Employing other tactics that do not unreasonably increase officer jeopardy.

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

(a) Attempts to de-escalate a situation.

(b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.4.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD
Officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe (Government Code § 7286.5).

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

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

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and
Use of Force

techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

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

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

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

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

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

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

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

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

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

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

300.6 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately, including the details of the application of force in an MPD incident or supplementary report. The following shall be documented:

- The date, time and location of the incident
- The reason for the police response to a call for service, or police initiated detention or arrest
- The factors perceived and why the member believed the application of force was reasonable under the circumstances
- The behavior of the subject which caused the officer to apply force
- The type of force applied (verbal and physical tools, techniques and/or tactics used)
- The extent of injuries to any person and the post-force care provided (including medical care)
- Identification of witnesses
- Any known or suspected drug use, intoxication, mental health issues or other medical problems
- Other relevant information regarding the circumstances of the application of force

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.6.1 NOTIFICATION TO SUPERVISORS

Any use of force by an officer shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

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

(i) An individual alleges unreasonable force was used or that any of the above has occurred.

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

**300.6.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The Administration Division Commander through the Police Records/Detention Supervisor or the authorized designee shall ensure that statistical data required by the California Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2. See the Records Section Policy.

**300.7 MEDICAL CONSIDERATIONS**

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

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

See the Medical Aid and Response Policy for additional guidelines.
300.8 SUPERVISOR RESPONSIBILITY
A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

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

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

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied.
   1. Before an interview can be conducted Miranda rights shall be adhered to.
   2. If a statement is obtained it should be recorded and documented in an incident or supplementary report.
   3. The fact that the interview was recorded should be documented and the recording will be uploaded to the case and 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 by notifying their Lieutenant and documenting in the crime report the statements that led the supervisor to believe this.

(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.

(i) The Supervisor will also be responsible to:
   1. Complete an entry into the MPD Force tracking system,
   2. Ensure that all BWC/MAV recordings are properly "tagged" in the BWC/MAV system as "Use of Force"
   3. Ensure all related evidence (video, photographs, etc.) have been collected and booked,
   4. The Supervisor will complete any supplementary crime reports required.

(j) Use of Force Review - After first obtaining the available information, a field supervisor shall promptly complete an entry into the MPD Force tracking system. The entry into the Force tracking system should minimally contain the following: The force tracking
entry, a copy of the related Crime Report(s), photographs, and the Computer Aided Dispatch (CAD) printout. The review process is designed to monitor and track the effectiveness of the various force options, identify potential training and/or tactical issues, ascertain whether there are any policy and/or procedural concerns that require additional consideration, and prepare for any potential claim or litigation against the City. The Use of Force Tracking will be retained per the Monterey City Retention Policy (Government Code § 34090). The Use of Force Tracking will be retained in a file separate from personnel files.

(k) A Field Supervisor shall make an entry into the MPD Daily Shift Report summarizing the Use of Force.

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

300.8.1 DIVISION COMMANDER RESPONSIBILITY
Each Division Commander shall review each use of force, through the Use of Force Review process, by any personnel within his/her command to monitor and track the effectiveness of the various force options, identify potential training issues, and to ensure compliance with this policy.

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

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

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

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.

(b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.
300.10 USE OF FORCE ANALYSIS
At least annually, the Assistant Chief of Police should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

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

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

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

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

300.14 PUBLIC RECORDS REQUESTS
Requests for public records involving an officer’s personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).
Use of Force Review Boards

301.1 PURPOSE AND SCOPE
This policy establishes a process for the Monterey 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.

301.2 POLICY
The Monterey 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.

301.3 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 on administrative leave until the Chief of Police determines the employee can return back to duty. A post-incident psychological debrief should be arranged (preferably within 72 hours). The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW BOARD
The Use of Force Review Board may 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 Assistant Police Chief will convene the Use of Force Review Board as necessary. It will be the responsibility of the appropriate Lieutenant or supervisor of the involved employee to notify the Assistant Police Chief 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.

301.4.1 COMPOSITION OF THE BOARD
The Assistant Police Chief should select the Use of Force Review Board members from the following (including the Assistant Police Chief), as appropriate:
Use of Force Review Boards

- A representative of each division
- Commanding officer in the involved member’s chain of command
- Administration Division Commander
- An Officer of similar rank of the involved member
- A Department instructor for the type of weapon, device or technique used

The Assistant Police Chief, or designee, who is not in the same division as the involved employee will serve as chairperson.

301.4.2 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 appear to be within department policy and procedure.
(b) The employee’s actions may be in violation of department policy and procedure and the administrative investigation should take this into consideration when conducting the administrative review.
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 Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

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

302.2 POLICY
The Monterey Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

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

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

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

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

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

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized
302.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer, or damage property.

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS
Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person’s hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person’s back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person’s size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

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

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

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

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

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

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

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

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

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

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

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS
When applying leg restraints the following guidelines should be followed:

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

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
Handcuffing and Restraints

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer (either in the ambulance or following the ambulance in direct sight in a patrol car) when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

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

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

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

302.9 TRAINING
Subject to available resources, the Personnel/IA Sergeant (Training) should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.
Control Devices and Techniques

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

The Monterey Police Department Procedural Manual describes procedures related to this policy in the section titled, Defensive Tactics.

See attachment: 3030 Defensive Tactics Prior 9501.pdf

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

303.3 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.

303.4 RESPONSIBILITIES

303.4.1 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.

303.4.2 TASER INSTRUCTOR RESPONSIBILITIES
The Taser Instructor Supervisor 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 a Taser Instructor. The inspection shall be documented.
303.4.3 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 a Taser Instructor for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 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 or on their patrol vest. 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.

303.6 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 or Incident 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.

303.7 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.

303.7.1 OC SPRAY
Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or on their patrol vest. 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.
303.7.2 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.

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. Unintentional 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.

303.7.3 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.

303.7.4 OC FERRET PROJECTILES
The 37mm OC Ferret Rounds are barricade penetrating rounds designed to go through glass and hollow core wooden doors. Upon impact, the round delivers powdered OC into a location. These rounds are designed to dislodge barricaded subjects from confined areas. 37mm ferret rounds are not "direct fire" or kinetic energy projectiles. Shot placement is critical, and staff shall not intentionally fire a ferret round at a person. Staff should keep in mind the manufacturer's recommendations and their training when deploying the 37mm.

SRU trained personnel and Less Lethal instructors are the only personnel trained on the 37mm and are the only personnel authorized to deploy the 37mm. These rounds shall only be utilized with a Command Officers authorization and in conjunction with attempted negotiations with the barricaded suspect.

303.8 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.
303.9 KINETIC ENERGY PROJECTILE GUIDELINES
This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

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

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

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

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

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

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

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

Officers should keep in mind the manufacturer’s recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to
Control Devices and Techniques

manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

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

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

Officers will inspect the shotgun or 40 mm launcher and projectiles at the beginning of each shift to ensure that the shotgun or 40 mm launcher is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun or 40 mm launcher will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

303.10 TRAINING FOR CONTROL DEVICES
The Administration Division Commander, or his/her designee 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.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES
Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy (Policy Section 300.5).
Conducted Energy Device

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

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

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

TASER devices are issued to individual officers.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Officers who have been issued the TASER device shall wear the device in an approved holster.

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

Officers who carry the TASER device shall carry it in a weak-side holster on the side opposite the duty weapon (Penal Code § 13660).

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

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

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

(d) Officers should not hold a firearm and the TASER device at the same time.

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the TASER device may be deployed.

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

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

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

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

(a) The subject is violent or is physically resisting.

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

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

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).
Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

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 TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

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

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

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

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all TASER device discharges. The expended cartridge along with any probes and wire, should be collected and submitted into evidence. If the probes were attached to a subject as the result of a Taser discharge, they are to be removed by qualified medical personnel at an approved medical facility. Probes will not be removed in the field, except under exigent or extraordinary circumstances. The probes should be collected from the staff at the medical facility, however if medical staff do not want to release the probes, the circumstances shall be documented in the related report. The cartridge serial number should be noted and documented.
Conducted Energy Device

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

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

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

304.6 DOCUMENTATION
Officers shall document all TASER device discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the related arrest/crime report. Supervisors shall document all Taser device discharges, except those during training, on the Force Response Report.

Any unintentional discharge of a Taser air cartridge is investigated by the next level in the chain of command. The incident will be documented by a command officer in a Department memorandum and addressed to the Chief of Police. The memorandum report shall contain the appropriate content for an administrative investigation (Background, Investigation, Applicable Authorities, Analysis, and Findings/Recommendations). As defined for this section, unintentional Discharge is the unintentional firing of the Taser's air cartridge.

304.6.1 REPORTING THE USE OF FORCE - TASER
The officer should refer to Policy Section 300.5 regarding documenting force application. In addition to what is required in documenting other types of force application, when utilizing the TASER the following shall be included in the arrest/crime reporting:

(a) Identification of all personnel who applied TASER devices
(b) The type and brand of TASER device and cartridge and cartridge serial number.
(c) Whether any display, laser or arc deterred a subject and gained compliance.
(d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
(e) The range at which the TASER device was used (as best can be determined).
(f) The type of mode used (probe or drive-stun).
(g) Location of any probe impact.
Conducted Energy Device

(h) Location of contact in drive-stun mode.
(i) Description of where missed probes went (as best can be determined).
(j) Observations of the subject's physical and physiological actions.
(k) 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 TASER device probes from a person's body. Used TASER device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed and cleared at a hospital prior to booking.

Additionally, any individual who falls under any of the following categories should be examined by paramedics to determine if they should be transported by EMS to obtain the hospital clearance:

a. The person is exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds)

b. The person is suspected of being under the influence of controlled substances and/or alcohol.

c. The person may be pregnant.

d. The person reasonably appears to be in need of medical attention.

e. The TASER device probes are lodged in a sensitive area (e.g. groin, female breast, head, face, neck).

f. The person requests medical attention.

If any individual refuses medical attention, they shall still be taken for a hospital clearance and make the refusal to hospital staff. Such refusal shall be fully documented in related reports. If an audio recording is made of the contact any refusal should be included, if possible.

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

304.8 SUPERVISOR RESPONSIBILITIES
When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the TASER device may be used. A supervisor should respond to all incidents where the TASER device was activated.
Conducted Energy Device

Supervisors will refer to the Use of Force Policy (Section 300.7) and ensure the proper steps are taken in the documentation and review of any use of force.

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device’s onboard memory should be downloaded through the data port by an authorized defensive tactics instructor 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 TASER device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the TASER device as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device instructor prior to again carrying or using the device.

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

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

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

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

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

The Personnel/IA Sergeant (Training) should ensure that all training includes:

(a) A review of this policy.
(b) A review of the Use of Force Policy.
(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
(f) De-escalation techniques.
Conducted Energy Device

(g) Restraint techniques that do not impair respiration following the application of the TASER device.
Officer-Involved Shootings and Deaths

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

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

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

The Monterey County Chief Law Enforcement Officers Association (MCCLEOA) "Officer-Involved Incident Guidelines" are attached:

See attachment: OIS signed Guidelines MCCLEOA 11-08-18.pdf

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

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

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

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS
The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect’s crime occurred. For example, the Monterey Police Department would control the investigation if the suspect’s crime occurred in Monterey.
If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS
The control of the criminal investigation into the involved officer’s conduct during the incident will be determined by the employing agency’s protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy and will be conducted by the Monterey Police Department or by the Monterey County District Attorney’s Office as determined by the Chief of Police.

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

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

305.4.4 INVESTIGATION RESPONSIBILITY MATRIX
The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings, as determined by the Chief of Police:

<table>
<thead>
<tr>
<th>MPD 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>Allied Agency’s Officer in This Jurisdiction</td>
<td>MPD Investigators</td>
<td>District Attorney’s Office or MPD</td>
<td>City of Monterey</td>
<td>MPD Administrative Lieutenant</td>
</tr>
<tr>
<td>MPD Officer in Another Jurisdiction</td>
<td>Agency where incident occurred</td>
<td>Decision made by agency where incident occurred</td>
<td>City of Monterey</td>
<td>MPD Administrative Lieutenant</td>
</tr>
</tbody>
</table>

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting, the first uninvolved MPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:
(a) Secure the scene and identify and eliminate hazards for all those involved.
(b) Take reasonable steps to obtain emergency medical attention for injured individuals.
(c) Request additional resources from the Department or other agencies.
(d) Coordinate a perimeter or pursuit of suspects.
(e) Check for injured persons and evacuate as needed.
(f) Brief the supervisor upon arrival.

305.5.2 WATCH COMMANDER RESPONSIBILITIES
Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by a higher authority. The Watch Commander should refer to the Monterey County Police Chiefs’ Association Officer-Involved Incident Guidelines.

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

305.5.3 NOTIFICATIONS
The following person(s) shall be notified as soon as practicable:
- Chief of Police
- Investigations Division Commander
- Officer Involved Critical Incident rollout team, at the discretion of the Chief of Police
- Monterey County District Attorney’s Office, at the discretion of the Chief of Police
- Internal Affairs Unit supervisor
- Psychological/peer support personnel (RISE Commander)
- Coroner (if necessary)
- Involved officer’s agency representative (if requested)
- Public Information Officer

305.5.4 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved MPD supervisor should ensure completion of the duties as outlined above, plus:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
   1. In the event that there are no uninvolved officers who can supply an adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
(b) If necessary, the supervisor may administratively order any MPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
Officer-Involved Shootings and Deaths

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Watch Commander and Monterey County Emergency Communications Center (Dispatch). If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional MPD members, or other law enforcement resources until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

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

2. Involved Officers weapons should not be taken while in the field, unless it is determined that it has become part of the crime scene or there are other specific reasons for taking the weapon at the scene. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is transported by other officers. The normal practice is that the involved officers weapon will be seized as evidence at a secure location (usually the Police Department).

305.5.5 INVOLVED OFFICERS
The Watch Commander or his/her designee should admonish each involved 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 legal or union representation will be accommodated.

1. Involved MPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-MPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
(d) A licensed psychotherapist shall be provided by the Department to each involved MPD officer. A licensed psychotherapist may also be provided to any other affected MPD members, upon request.

    (a) Interviews with a licensed psychotherapist will be considered privileged.

    (b) An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

    (c) A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

    (e) Communications between the involved officer and a peer support member are addressed in the Wellness Program Policy.

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

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

305.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE
The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Watch Commander should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

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

305.6 CRIMINAL INVESTIGATION
The Chief of Police will determine if the criminal investigation into the circumstances of any officer-involved shooting or death will be conducted by the MPD or the Monterey County District Attorney’s Office.

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

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

    (a) MPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of MPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED MPD OFFICERS
In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved MPD 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 MPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

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

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

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

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

   1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

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

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

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

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

305.7 ADMINISTRATIVE INVESTIGATION

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

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

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

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
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1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

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

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

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

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

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

5. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

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

305.8 AUDIO AND VIDEO RECORDINGS

An initial preliminary interview of an Involved Officer will ordinarily occur before the officer views audio/video recordings of the incident. An Involved Officer will have an opportunity to review recordings after the initial statement has been taken. Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by an Involved Officer.

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

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

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

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

305.10 DEBRIEFING
Following an officer-involved shooting or death, the Monterey Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

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

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

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

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

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

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

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

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

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

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

306.3.1 HANDGUNS
The authorized department-issued handgun is the Glock Model 17, 9mm.

Officers hired before August 1, 2017 and who on August 1, 2017, were issued a Sig Sauer P226R .40 or Glock 22, 23, 35 .40 are authorized to utilize that issued handgun for on-duty use. Officers that do not meet the aforementioned criteria are not authorized to carry those handguns for on-duty use. Effective January 01, 2023, the .40 pistols will be phased out and no longer authorized for use and all MPD personnel will transition to an authorized 9mm pistol.

Glock Models 17, 19, 34 & 45 - 9mm handguns, are approved for on-duty use as personally owned firearms. In addition to the other authorized handguns, the Glock 26, 9mm handgun is approved for on-duty plain-clothes use as a personally owned firearm.

The only color Glock pistol authorized for on-duty use will be black.

The purchase of the personally owned firearm shall be the responsibility of the member.
Firearms

306.3.2 PATROL RIFLES
The authorized department-issued patrol rifle is the AR15 .223 manufactured by Colt, Bushmaster, Bravo Company, Spikes Tactical, or any manufacturer that meets specifications.

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

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

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed and the selector lever in the safe position.

306.3.3 POLICE PRECISION RIFLE
(a) The police precision rifle, will be a .308 caliber that is equipped with a telescopic sight. Only Department issued precision rifles may be deployed and utilized by police personnel.
(b) Authorized ammunition includes Department-issued match grade and glass penetrating rounds, as well as other specialized ammunition, which is recommended by the Rangemaster and approved by the Chief of Police.
(c) When carried in a patrol vehicle, the precision rifle is to be stored in its protective cover case and carried in the trunk. All such firearms will be returned to the small arms lockers after each shift/assignment.
(d) The precision rifle, when deployed, will be assigned to a qualified officer who is responsible for that specific rifle. Officers qualified to deploy the precision rifle will have had certification training and will maintain their qualification by participating in regular re-certification training.
(e) Precision rifles will be stored in the Department small arms lockers.
(f) The precision qualified officer and Rangemaster are responsible to regularly inspect, clean and maintain each Department precision rifle.
306.3.4 PERSONALLY OWNED DUTY FIREARMS
Members desiring to carry an authorized, but personally owned duty firearm, must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

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

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

(c) Prior to carrying the firearm, members:
   - must attend and successfully complete transition training with the personally owned duty firearm;
   - acknowledge that they feel they have had an appropriate amount of training and are confident and comfortable carrying the personally owned duty firearm;
   - members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

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

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

(a) Members will be restricted to carrying one additional firearm as a backup to the primary duty firearm.

(b) Secondary handguns will conform to the following guidelines and restrictions:
   - Manufactured by recognized standard firearms manufacturer;
   - Barrel at least 1.8 inches and not more than six (6) inches in length;
   - Caliber limited to .380, 9mm, .38, .357, .40, 10mm, .41, and .45;
   - Cartridge capacity not less than five (5) rounds;
   - Not be a single-action "cocked" mechanism

(c) The handgun shall be in good working order.

(d) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

(e) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(f) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
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(g) Ammunition shall be the same as department issue. If the caliber of the handgun is other than an approved on-duty use handgun, the Chief of Police or the authorized designee shall approve the ammunition.

(h) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

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

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

(a) The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

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

(c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried.

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

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry department-authorized ammunition.

(i) When armed, officers shall carry their badges and Monterey Police Department identification cards.
306.3.7 AMMUNITION
Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all on-duty approved firearms during the member’s firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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

306.3.8 LESS LETHAL / CHEMICAL AGENT WEAPONS
(a) The following less-lethal weapons may be used by trained/certified officers in tactical situations requiring the use of less-lethal impact rounds and/or chemical agents:
   (a) Remington 870 shotgun (Less Lethal)
   (b) 40 mm single and multiple round launchers (Less Lethal)
   (c) 37mm Trueflite single round launcher (Chemical Agent)
   (d) 37mm Federal single round launcher (Chemical Agent)
(b) All less-lethal munitions deployed and/or utilized will be recommended by the Rangemaster and approved by the Chief of Police.
(c) The police less lethal weapons will typically be maintained in the small arms lockers or deployed and carried in patrol vehicles, as assigned.
(d) The Rangemaster is responsible to regularly inspect, clean, and maintain each Department less lethal weapon.

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

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

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

Any repairs or modifications to the member’s personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.
306.4.2 HOLSTERS
Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

If officers elect to carry personally owned duty firearms, they will be required to purchase and maintain a department-approved holster and magazine holder for that firearm, at their own expense.

306.4.3 TACTICAL LIGHTS
Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.4.4 OPTICS OR LASER SIGHTS
Only optics or laser sights that have been approved by the Chief of Police may be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications.

Once approved sights have been properly installed on any firearm and prior to carrying the firearm with the approved sights, members:

- must attend and successfully complete Department approved training with the approved optic or laser sights;
- acknowledge that they feel they have had an appropriate amount of training and are confident and comfortable utilizing the optic or laser sights;
- shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

306.5 SAFE HANDLING, INSPECTION AND STORAGE
Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except at the Department range where clearing barrels are present.
Firearms

(d) Shotguns or rifles removed from vehicles or the Department weapons locker shall be loaded and unloaded in the parking lot and outside of the vehicle.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked (lockers must be locked). When not deployed in the field, Department Patrol Rifles will be stored in the member's locker or the Department weapons locker. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

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

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member’s primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE
Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels. Firearms may be safely stored in lockers or another approved location at the end of the shift. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate Department locker.

306.5.2 STORAGE AT HOME
Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

306.5.3 ALCOHOL AND DRUGS
Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.
306.5.4 STORAGE IN VEHICLES
When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle’s interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

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

306.6 FIREARMS TRAINING AND QUALIFICATIONS
All members who carry a firearm while on-duty are required to successfully complete training semi-annually with their duty firearms. In addition to semi-annual training, all members will qualify at least annually with their duty, off-duty and secondary firearms. Training and qualifications must be on an approved range course.

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

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION
If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor, which will be forwarded through the chain of command to their lieutenant, prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or do not qualify shall be provided remedial training and will be subject to the following requirements:

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Officers must demonstrate competence within 30 days of notice of deficiency. If competence is not demonstrated within 30 days of notice:

   1. That officer will be relieved of field duty and placed in an administrative position not to exceed 15 days, during which time intensive training will be given;

   2. Failure to demonstrate competence after this intense training shall result in further administrative action, including possible disciplinary action.

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

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

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

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

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

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. 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 (Penal Code § 597.1).

306.7.3 WARNING AND OTHER SHOTS
Generally, warning shots are discouraged and may not be discharged unless the member reasonably believes it is objectively reasonable and safe to do so under the following circumstances:

- To protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury, or
- To stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened
infliction of serious bodily injury or death, and the officer reasonable believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the warning shot, where feasible.

Warning shots will not be fired by an officer with a rifle.

306.8 RANGEMASTER DUTIES

The position of Rangemaster shall be designated by the Chief of Police, and shall be occupied by a member who has been trained as a Firearms Instructor. The Rangemaster shall, with the approval of the Chief of Police, appoint Assistant Range Masters who shall be trained as qualified Firearms Instructors.

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 Personnel/IA Sergeant (Training) after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

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

The Rangemaster has the responsibility for the following:

(a) Supervising and administering the Department's firearms and range program;
(b) Establishment of standards for demonstrating competence with firearms and less lethal weapons;
(c) Ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry;
(d) Making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster;
(e) Inspection and maintenance of ammunition and other less lethal weapons and munitions used by Department members;
(f) Inventory control and maintaining accurate records of all approved firearms, less lethal weapons, and munitions;
(g) Training in the legal aspects of the use of deadly force and the use of less lethal force;
(h) Developing and scheduling regular training designed to ensure firearms and less lethal weapons competence. All matters relating to firearms and less lethal weapons training shall be coordinated with the Personnel/IA Sergeant (Training);
(i) Completing and submitting to the Personnel/IA Sergeant (Training), documentation of the training courses provided. Documentation shall include the identity of each
instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records;

(j) Coordinating all firearms and less lethal weapons policy issues with the Chief of Police;

306.9 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

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

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

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

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

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

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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

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

(a) The officer shall carry his/her badge and Monterey Police Department identification card whenever carrying such firearm.

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

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

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

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

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

### 306.11 MPD RANGE REGULATIONS
The purpose of this policy is to establish rules and procedures for the use of the indoor firearms range. The rules are established to ensure that the range is operated and utilized in a safe manner and to ensure that users are not exposed to harmful conditions.

#### 306.11.1 RANGE USE
A. The range may be used by Monterey Police Officers with the approval of the on-duty Watch Commander. The Range sign-in sheet in the Watch Commander’s office will be completed by all users other than for regularly scheduled training shoots.

B. The Range shall be kept locked when not in use. The Range keys shall be kept in the Watch Commander’s office to ensure security and accountability.

C. Use by other than Monterey Police personnel may be permitted under the following circumstances:

1. By honorably retired Monterey Police Officers who are conducting an annual qualification course as required to obtain a CCW permit.
2. By full-time, salaried Police Officers who have completed a recognized course of firearms instruction (FBI, POST Academy, etc.), who have obtained prior approval of the Range Master and the on-duty Watch Commander.

3. By other persons who have obtained prior approval from the Chief of Police, the Range Master, and the on-duty Watch Commander.

4. All such users must complete a Waiver of Liability form.

5. In each instance, all ammunition to be fired on the Range must be verified as lead-free. This is to be accomplished by the on-duty Watch Commander, or a designated Range staff person.

306.11.2 AMMUNITION AND CALIBER LIMITATIONS
In order to protect personnel and avoid contamination of the Range, strict rules regarding ammunition must be followed.

A. Only lead-free, totally encapsulated bullets with lead-free primers will be fired on the Range. All ammunition brought into the Range is subject to inspection before use. If any doubt exists about whether any ammunition meets the lead free standard, it shall not be used until cleared by a Range staff person.

B. Less lethal munitions may also be fired on the Range.

C. The following types of ammunition are prohibited:
   1. Ammunition larger than .45 caliber.
   2. Magnum ammunition, or ammunition which produces a muzzle velocity in excess of 1200 FPS (feet per second).
   3. Hollow-point ammunition.
   4. Shotgun ammunition.
   5. Rifle ammunition.

306.11.3 RANGE SAFETY
A. Safety on the Range requires constant alertness to basic firearms rules.
   1. All firearms will be considered loaded at all times and handled accordingly.
   2. Never let the muzzle cover anything you are not willing to destroy.
   3. Keep your finger off the trigger until your sights are on target.
   4. Always be sure of your target and your backstop.

B. Range safety rules:
   1. Load weapons on the firing line or at the direction of Range staff or a supervisor.
   2. No brass cans or other impediments on the firing line.
3. All firearms on the line are loaded or "HOT" once training begins, and shooters will not holster an empty weapon unless instructed to do so.

4. All firearms behind the barricades and off the line are unloaded or "COLD" and will remain holstered or action open (no magazine, action locked back for pistols, cylinder open for revolvers).

5. Hearing protection and eye protection must be worn while shooting.

6. The Range Master or supervisor shall immediately remove from the Range any person who disrupts shooters or disregards range safety.

7. Any accidental discharge will be reported in writing to the Chief of Police via the Chain of Command.

306.11.4 RANGE MAINTENANCE, CLEANLINESS AND HEALTH CONCERNS
A. The use of lead-free ammunition will reduce the risk of exposure to lead and other potentially hazardous chemicals and compounds; however, proper care should be exercised at all times to avoid contamination of personnel and the Range itself.

B. In addition to employing eye protection and hearing protection, all personnel are reminded to wash their hands after each Range session in order to avoid chemical contamination through absorption or ingestion.

C. The sand trap at the back of the Range will be cleaned regularly; however, it is to be considered a HAZMAT area at all times.

D. Leave the Range cleaner than you found it. Pick up all brass and place it in containers for recycling.

E. Those who use the Range will immediately report any injury or any range damage to the Watch Commander and then, in writing, to the Chief of Police.
Vehicle Pursuits

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


307.1.1 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.

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

(e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.

(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.

(i) Suspect and officer vehicle speeds.

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

(k) Availability of other resources such as air support or vehicle locator or deactivation technology.

307.2.2 WHEN TO TERMINATE A PURSUIT
Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect’s escape.
Vehicle Pursuits

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

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

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

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

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle’s emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

(f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

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

307.2.3 SPEED LIMITS

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

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

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

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

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

307.3 PURSUIT UNITS

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

Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances.
Vehicle Pursuits

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

307.3.1 MOTORCYCLE OFFICERS / UNMARKED VEHICLES
A distinctively marked 4-wheeled patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle or unmarked police vehicle as primary and/or secondary pursuit unit as soon as practical.

307.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT
Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

307.3.3 PRIMARY UNIT RESPONSIBILITIES
The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless the officer is unable to remain reasonably close to the suspect’s vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

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

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

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

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

307.3.5 PURSUIT DRIVING

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

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

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

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

307.4 SUPERVISORY CONTROL AND RESPONSIBILITIES
Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

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

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

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

(j) Controlling and managing Monterey Police Department units when a pursuit enters another jurisdiction.

(k) Preparing a post-pursuit review and documentation of the pursuit.

1. Supervisors should initiate follow up or additional review when appropriate.

307.4.1 WATCH COMMANDER RESPONSIBILITIES

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

The Watch Commander shall review all pertinent reports for content. The Watch Commander shall ensure that a “Pursuit Memorandum Packet” is forwarded through the chain of command to the Chief of Police or his/her designee.

307.5 MONTEREY COUNTY EMERGENCY COMMUNICATIONS CENTER (DISPATCH)

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

307.5.1 LOSS OF PURSUED VEHICLE

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

307.6 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.

307.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

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

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

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

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

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

307.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED
Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.
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307.7.1 USE OF FIREARMS
An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

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

(a) Blocking should only be used after giving consideration to the following:
   1. The technique should only be used by officers who have received training in the technique.
   2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
   3. It reasonably appears the technique will contain or prevent the pursuit.

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

(c) Ramming a fleeing vehicle should only be done after giving consideration to the following:
   1. Supervisory approval should be obtained before using the technique.
   2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
   3. It reasonably appears the technique will terminate or prevent the pursuit.
   4. Ramming may be used only under circumstances when deadly force would be authorized.
   5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
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(d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:

1. The technique should only be used by officers who have received training in the technique.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit.

(e) Tire deflation devices should only be used after considering the following:

1. Tire deflation devices should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using tire deflation devices.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the use will terminate or prevent the pursuit.
5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.

(f) Roadblocks should only be used after considering the following:

1. Roadblocks should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

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

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

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

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

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

(c) After first obtaining the available information, a field supervisor shall promptly complete a Pursuit Memorandum Packet and submit it through the chain of command to the Chief of Police or the authorized designee. The Pursuit Memorandum Packet should minimally contain the following:

1. MPD Pursuit Memo form, which will include the following:
   (a) MPD Case Number
   (b) Date and time of pursuit.
   (c) Initiating Unit (Name/Call Sign)
   (d) Additional involved Units (Name(s)/Call Sign(s))
   (e) Supervisor(s) (Name(s)/role)
   (f) Length of pursuit in distance and time, including the starting and termination points.
   (g) Initial reason for pursuit and circumstances surrounding the pursuit
   (h) Alleged offenses
   (i) Brief summary of pursuit
   (j) Whether a suspect was apprehended, as well as the means and methods used.
   (k) Any use of force that occurred during the vehicle pursuit.
      1. Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
   (l) Any injuries and/or medical treatment.
   (m) Any property or equipment damage.
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(n) Name of supervisor at scene who handled the incident.

2. The following will be attached to the MPD Pursuit Memo form as part of the Pursuit Memorandum Packet: An MPD Transmittal Form, copy of the CHP 187A Form, CAD Printout, copies of the related crime and/or traffic reports, MAV/BWC recordings, copies of Communications Center radio traffic, a map of the location with the pursuit route highlighted and the posted speed limits and speeds of the pursuit indicated.

(d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

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

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

(a) This policy.

(b) The importance of vehicle safety and protecting the public.

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

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

307.9 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.

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

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

308.2 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. When responding to calls that do not require a "Code-3" response, Officers shall respond as soon as possible.

308.3 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 Monterey County Emergency Communications Center (Dispatch).

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

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

308.4 INITIATING CODE 3 RESPONSE
If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Monterey County Emergency Communications Center (Dispatch). Generally, when Fire
is responding Code-3 to a location only one unit (Fire) should respond Code-3. Should an officer believe a Code-3 response is appropriate, Monterey County Emergency Communications Center (Dispatch) shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

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

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Monterey County Emergency Communications Center (Dispatch). 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.

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

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

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

(a) The proper response has been initiated
Officer Response to Calls

(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 Watch Commander or the field supervisor should consider the following:

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

308.8 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 Watch Commander, field supervisor, or Monterey County Emergency Communications Center (Dispatch) of the equipment failure so that another unit may be assigned to the emergency response.

308.9 ROADBLOCK OBSERVATION PLAN OF ENFORCEMENT (R.O.P.E.)
Domestic Violence

309.1 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.


309.1.1 DEFINITIONS
Definitions related to this policy include:

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

**Domestic Violence**

- P.C. § 13700(a) - defines *abuse* as “intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself/herself, or another.”
- P.C. § 13700(b) - defines *domestic violence* as "abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or has or is having a dating or engagement relationship."
- P.C. § 13730(c) - *Domestic Violence Incident* - "In all incidents of domestic violence, a report shall be written and shall be identified on the face of the report as a domestic violence incident. The report shall include at least all of the following:
  - ...any signs that the alleged abuser was under the influence of alcohol or a controlled substance.
  - ...if any law enforcement agency had previously responded to a domestic violence call at the same address involving the same alleged abuser or victim.
  - ...whether a firearm or other deadly weapon was present at the location...
  - ...any indications that the incident involved strangulation or suffocation.

**ABUSE + RELATIONSHIP = DOMESTIC VIOLENCE INCIDENT**

- A domestic violence incident, involving any violence or threat of violence, requires an investigation and report.

309.2 POLICY
The Monterey Police Department’s response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department
Domestic Violence

to facilitate victims’ and offenders’ access to appropriate civil remedies and community resources whenever feasible.

309.3 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.

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

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

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

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

(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
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order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

309.4.1 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.

309.4.2 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.
309.5 VICTIM ASSISTANCE
Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected:

(a) Victims should be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(b) Victims should also be alerted to any available victim advocates, shelters, and community resources.

(c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.

(d) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.

(e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.

(f) Officers should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

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

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

The Monterey Police Department Procedural Manual describes the procedures related to the DV Advocate in the section titled, YWCA Domestic Violence Advocate.

See attachment: 3090 DV Advocate Procedure 062518.pdf

309.6 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.

309.7 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 or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

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

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

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

1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

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

1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

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

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

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

309.9 STANDARDS FOR ARRESTS
Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701).

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

(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's 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).

309.10 REPORTS AND RECORDS

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

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

(c) Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

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

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

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

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

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

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).
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309.13 PUBLIC ACCESS TO POLICY
A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

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

309.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM
This department should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).
Search and Seizure

310.1 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 Monterey Police Department personnel to consider when dealing with search and seizure issues.

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

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

310.3 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.
310.4 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.

310.5 ANNOUNCEMENT REQUIRED
Prior to entering a residence or other premises by warrant, probation or parole search, or exigency, officers will comply with the following requirements (except where exempted by exigent circumstances as described in this policy):

- Knock.
- Identify oneself as a peace officer.
- Describe the purpose or authority to enter.
- Demand entry.
- Wait a reasonable amount of time before entering to allow the occupants to either voluntarily admit the officer or refuse to admit the officer.

Such announcement will be conducted in a manner which is reasonably audible to persons on or within the premises to be searched.

310.5.1 DELAY FOLLOWING ANNOUNCEMENT
Officers will delay their entry following the required announcement unless one of the following circumstances is present:

- Persons in the house to be entered refuse to allow an officer to enter or otherwise indicate they are not going to allow entry
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- There is substantial indication following the announcement that person(s) occupying the premises to be searched are willfully delaying a response to the officers' demand for entry and/or such persons are destroying, hiding, removing or altering evidence
- The occupants admit the officers to the premises

NOTE: The amount of delay required is not easily determined but an accepted and reasonable guideline would be as follows:
- 20 seconds delay if the items sought are easily disposed of or destroyed
- 60 seconds delay if the items sought are not easily disposed of or destroyed

310.5.2 WHEN LESS THAN FULL COMPLIANCE WITH THE ANNOUNCEMENT REQUIREMENTS IS JUSTIFIED BY EXIGENT CIRCUMSTANCES

Officers may make entry without full compliance with the announcement requirements as listed in this policy, when an exigency arises prior to or during the execution of the search or seizure. An exigency arises when an officer can point to specific facts which exist at the time of entry which would lead a person of ordinary care and prudence to entertain a reasonable belief that compliance with the announcement requirements would:

- Result in imminent danger to the life of the officer or innocent residents or other innocent persons on or about the premises; or
- Unreasonably frustrate the arrest.

NOTE:
- In order to reduce the risk of violent resistance, officers should at a minimum, announce themselves as being law enforcement officers while making entry. However, in rare circumstances such as hostage rescues or active shooter scenarios, it may be more tactically sound, and therefore acceptable, not to announce an officer's entry.

310.6 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 officers and efforts of officers to conduct the search in view of a Department Audio/Video Recording device.
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

311.1 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 Monterey Police Department (34 USC § 11133).

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

311.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

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

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

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

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

311.3 JUVENILES WHO SHOULD NOT BE HELD
Juveniles who exhibit any of the following conditions should not be held at the Monterey 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 Monterey Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).
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If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

311.3.1 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).

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

311.4 CUSTODY OF JUVENILES
Officers should take custody of a juvenile and temporarily hold the juvenile at the Monterey 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 Monterey 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 Monterey Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

311.4.1 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 Monterey Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

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

311.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to...
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the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

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

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

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

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

In all other cases the juvenile offender may be:

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

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

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

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

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

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

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

311.6 JUVENILE CUSTODY LOGS
Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

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

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

311.7 NO-CONTACT REQUIREMENTS
Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.
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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 Monterey 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).

311.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Monterey 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 Monterey Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Monterey Police Department more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

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

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

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

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

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

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

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

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).
   1. The supervisor should ensure that there is an adequate supply of clean blankets.

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

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
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(n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

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

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

311.10 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 Monterey 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).

311.11 PERSONAL PROPERTY
The officer taking custody of a juvenile offender or status offender at the Monterey 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 Monterey Police Department.

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

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

(a) Age, maturity, and delinquent history
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(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).

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

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

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
(b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
(d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
   1. All safety checks shall be logged.
   2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
   3. Requests or concerns of the juvenile should be logged.
(e) Males and females shall not be placed in the same locked room (15 CCR 1147).
(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
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(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

311.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE
The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Monterey Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigations/Special Operations Division Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

311.14 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS
No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

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

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

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

This recording is not mandatory when (Penal Code § 859.5):
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(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

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

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

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

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Monterey 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 Police Records/Detention Supervisor and the appropriate Investigations Division supervisors to ensure that personnel of those bureaus act within legal guidelines.

311.17 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION
The Administration Division Commander shall coordinate the procedures related to the custody of juveniles held at the Monterey Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).
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312.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Monterey Police Department members as required by law (Penal Code § 368.6).

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

312.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

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

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

(a) Elder and dependent adult abuse

(b) Unlawful interference with a mandated report

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

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

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

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

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

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

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

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

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

(j) Witness and suspect statements if available.

(k) Review of all portable audio/video recorders, devices, and other available video.

(l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.

(m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).

(o) Whether a death involved the End of Life Option Act:
   1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
   2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person’s life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
   3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
   4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c) (18)).
312.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS
The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

(a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).

(c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).

(d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

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

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.

(c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).

(e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).

1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).

2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
(g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

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

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

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

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

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

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

(d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
(g) The District Attorney’s office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

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

The Investigations 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).

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

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

312.5.1 NOTIFICATION PROCEDURE

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

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.
(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

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

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

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

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

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

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

(a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.

(b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
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(c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

312.7 INTERVIEWS

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

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

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

(b) A court order or warrant has been issued.

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

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

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.
312.9 DRUG-ENDANGERED VICTIMS
A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

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

(a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Division supervisor so an interagency response can begin.

312.9.2 SUPERVISOR RESPONSIBILITIES
The Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

312.10 TRAINING
The Department should provide training on best practices in elder and dependent adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.

(f) Availability of victim advocates or other support.
312.10.1 MANDATORY TRAINING
The Personnel/IA Sergeant (Training) shall ensure that appropriate personnel receive the required training, including:

(a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).

(b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).

1. Training should include the following:

(a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).

(b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Personnel/IA Sergeant (Training) shall also ensure that appropriate training is provided on this policy to dispatchers, community services officers, front desk personnel, and other civilian personnel who interact with the public (Penal Code § 368.6 (c)(7)).

312.11 RECORDS BUREAU RESPONSIBILITIES
The Records Section is responsible for:

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

(b) Retaining the original elder or dependent adult abuse report with the initial case file.

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

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

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.
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312.13 RELEVANT STATUTES
Penal Code § 288 (a) and Penal Code § 288 (b)(2)

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

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

Penal Code § 368 (c)

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

Penal Code § 368 (f)

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

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

Welfare and Institutions Code § 15610.05

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

Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30
(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

**Welfare and Institutions Code § 15610.43**

(a) "Isolation" means any of the following:

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

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safety.

**Welfare and Institutions Code § 15610.57**

(a) "Neglect" means either of the following:

1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

3. Failure to protect from health and safety hazards.

4. Failure to prevent malnutrition or dehydration.

5. Substantial inability or failure of an elder or dependent adult to manage personal finances.

6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

(c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

**Welfare and Institutions Code § 15610.63**

"Physical abuse" means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
Senior and Disability Victimization

(e) Sexual assault, that means any of the following:
   1. Sexual battery, as defined in Section 243.4 of the Penal Code.
   2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
   3. Rape in concert, as described in Section 264.1 of the Penal Code.
   4. Incest, as defined in Section 285 of the Penal Code.
   5. Sodomy, as defined in Section 286 of the Penal Code.
   6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
   7. Sexual penetration, as defined in Section 289 of the Penal Code.
   8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
   1. For punishment.
   2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
   3. For any purpose not authorized by the physician and surgeon.

312.14 CHIEF OF POLICE RESPONSIBILITIES

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

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

(b) Developing and including department protocols in this policy, including but not limited to the following:
   1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
   2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
      (a) In the case of a senior and disability victimization committed in an officer’s presence, including but not limited to a violation of a relevant protective
order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

(b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

(c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.

(d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.

3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.

(c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.

(d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).

(e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).

(f) Ensuring that all members carry out their responsibilities under this policy.

(g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.

(h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

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

(a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).

(b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.
Discriminatory Harassment

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

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

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

313.3 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the 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.

313.4.2 SUPERVISOR’S ROLE
Supervisors and managers shall be aware of the following:

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

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

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

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

313.5 INVESTIGATION OF COMPLAINTS
Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate
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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

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

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

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

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

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

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

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

(a) Approved by the Chief of Police, the City Manager, or the Director of Human Resources, depending on the ranks of the involved parties.
Discriminatory Harassment

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

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

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

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

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

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Personnel/IA Sergeant (Training) should ensure that employees are provided the following website address to the training course: https://calcivilrights.ca.gov (Government Code § 12950; 2 CCR 11023).

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

313.8 WORKING CONDITIONS
The Administration Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (2 CCR 11034).
313.9 REQUIRED POSTERS
The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).
Child Abuse

314.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Monterey Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

314.1.1 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).

314.2 POLICY
The Monterey Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.


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

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

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

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

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).
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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

314.3.1 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.

314.4 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).

314.5 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.
Child Abuse

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

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

314.5.1 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).

314.6 PROTECTIVE CUSTODY

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

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

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

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

314.6.1  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.

314.6.2  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.
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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.

314.7 INTERVIEWS

314.7.1 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.

314.7.2 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) Existent circumstances exist, such as:
   1. A reasonable belief that medical issues of the child need to be addressed immediately.
   2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
   3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

314.7.3 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).

314.8 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 and Family and Children’s Services before proceeding. If exigent circumstances do not exist the officer shall consult with the supervisor.
and the Child Abuse Response team (CART) and 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.

314.9   DRUG-ENDANGERED CHILDREN
A coordinated response by law enforcement and social services agencies is appropriate to
meet the immediate and longer-term medical and safety needs of children exposed to the
manufacturing, trafficking or use of narcotics.

314.9.1   SUPERVISOR RESPONSIBILITIES
The Investigations 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 Investigations
    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.

314.9.2   OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where a child is present or where
there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using
    photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Division supervisor so an interagency response can begin.

314.10   STATE MANDATES AND OTHER RELEVANT LAWS
California requires or permits the following:

314.10.1   RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and
may only be disclosed pursuant to state law and the Records Maintenance and Release Policy
(Penal Code 841.5; Penal Code § 11167.5).

314.10.2   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.

314.10.3  CACI HEARING OFFICER
The Investigations Division Commander 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.

314.10.4  CACI HEARING PROCEDURES
The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports
(b) Statements by investigators
(c) Statements from representatives of the District Attorney’s Office
(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party’s name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person’s name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

314.10.5  CHILD DEATH REVIEW TEAM
This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise
be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

314.11 TRAINING
The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting forensic interviews.
(c) Availability of therapy services for children and families.
(d) Availability of specialized forensic medical exams.
(e) Cultural competence (including interpretive services) related to child abuse investigations.
(f) Availability of victim advocate or guardian ad litem support.
Missing Persons

315.1 PURPOSE AND SCOPE
This policy provides guidance for handling missing person investigations.

315.1.1 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).

315.2 POLICY
The Monterey Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Monterey Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS
The Investigations/Special Operations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

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

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

315.4 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).

315.5 INITIAL INVESTIGATION
Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks as follows:
   1. Immediately, when the missing person is at risk.
   2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:
   1. A photograph and a fingerprint card of the missing person, if available.
   2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
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.

315.6 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.

315.6.1 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 Section.

(b) Ensuring resources are deployed as appropriate, including requesting assistance from other city entities such as Fire, Public Works etc.

(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 attempt to facilitate transfer of the case to the agency of jurisdiction, however, 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).

315.6.2 RECORDS SECTION 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 (34 USC § 41308).

315.7 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 (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(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 § 566).

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

(a) Notification is made to California DOJ.

(b) The missing person’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General’s Office.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

315.8.1 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.

315.9 CASE CLOSURE
The Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
Missing Persons

(b) If the missing person is a resident of Monterey or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

315.10 TRAINING
Subject to available resources, the Personnel/IA Sergeant (Training) should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:
   1. Assessments and interviews
   2. Use of current resources, such as Mobile Audio Video (MAV)
   3. Confirming missing status and custody status of minors
   4. Evaluating the need for a heightened response
   5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.
Missing Persons
Public Alerts

316.1 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.

316.2 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.

316.3 RESPONSIBILITIES

316.3.1 MEMBER RESPONSIBILITIES
Members of the Monterey Police Department should notify their supervisor, Watch Commander, or Investigations 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.

316.3.2 SUPERVISOR RESPONSIBILITIES
A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts
(b) Canceling alerts
(c) Ensuring all appropriate reports are completed
(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

316.4 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.

316.4.1 CRITERIA FOR AMBER ALERT
The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):
Public Alerts

(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child’s safe recovery.

316.4.2 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)

316.5 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.
Public Alerts

316.5.1 CRITERIA FOR BLUE ALERTS
All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect’s vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

316.5.2 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

316.6 SILVER ALERTS
Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).
316.6.1 CRITERIA FOR SILVER ALERTS
All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

(b) The department has utilized all available local resources.

(c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

316.6.2 PROCEDURE FOR SILVER ALERT
Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

316.7 MUTUAL AID
The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigations 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. The Watch Commander will provide 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 Monterey Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.
316.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES
Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

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

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

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

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

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

(a) A person has been killed due to a hit-and-run incident.
(b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
(c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
   1. The complete license plate number of the suspect's vehicle.
   2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
   3. The identity of a suspect.
   4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.
316.9.2  PROCEDURE FOR YELLOW ALERT
Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

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

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

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

316.10.2  PROCEDURE FOR FEATHER ALERT
Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).
Victim and Witness Assistance

317.1 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.

317.2 POLICY
The Monterey Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Monterey 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.

317.3 CRIME VICTIM LIAISON
The Chief of Police has appointed the Investigations Supervisor to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Monterey 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.

317.3.1 CRIME VICTIM LIAISON DUTIES
The crime victim liaison is specifically tasked with the following:

(a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).

(b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

(c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.

(d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).

(e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).

1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Monterey Police Department jurisdiction (Penal Code § 680.2).
Victim and Witness Assistance

(f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.

1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

317.4 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.

317.4.1 VICTIMS OF HUMAN TRAFFICKING

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

317.5 VICTIM INFORMATION

The Administration Division Commander or their designee shall ensure that victim information handouts are available and current. These should include as appropriate:

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

(i) Notice regarding U visa and T visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the officer’s name, badge number and any applicable case or incident number.

(l) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

317.6 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

318.1 PURPOSE AND SCOPE
This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement’s role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Monterey Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

318.1.1 DEFINITION AND LAWS
In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

**Bias motivation** - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one’s “own kind,” or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator’s
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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability
(b) Gender
(c) Nationality
(d) Race or ethnicity
(e) Religion
(f) Sexual orientation
(g) Association with a person or group with one or more of these actual or perceived characteristics:

1. “Association with a person or group with one or more of these actual or perceived characteristics” includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
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- Displaying hate material on your own property

**Hate speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:
  - Fighting words
  - True threats
  - Perjury
  - Blackmail
  - Incitement to lawless action
  - Conspiracy
  - Solicitation to commit any crime

**In whole or in part** - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality** - Nationality means country of origin, immigration status, including citizenship, and national origin.

**Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:
  - Community center
  - Educational facility
  - Entity
  - Family
  - Group
  - Individual
  - Office
  - Meeting hall
  - Person
  - Place of worship
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- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

318.2 POLICY
It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

318.3 PLANNING AND PREVENTION
In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

318.3.1 HATE CRIMES COORDINATOR
The Administration/Investigations Division Commander or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

(a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim's family.

(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.

(i) Coordinating with the Personnel/IA Sergeant (Training) to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.

(k) Taking reasonable steps to ensure hate crime data is provided to the Records Section for mandated reporting to the Department of Justice.

1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).

(l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Section Policy.

(m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

(n) Annually assessing this policy, including:

1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.

2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.
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318.3.2 RELEASE OF INFORMATION
Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.

(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.

(c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

318.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

318.4.1 INITIAL RESPONSE
First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.
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1. Assist victims in seeking a Temporary Restraining Order (if applicable).

(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

(f) Collect and photograph physical evidence or indicators of hate crimes such as:
   1. Hate literature.
   2. Spray paint cans.
   3. Threatening letters.
   4. Symbols used by hate groups.

(g) Identify criminal evidence on the victim.

(h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

(i) Conduct a preliminary investigation and record pertinent information including but not limited to:
   1. Identity of suspected perpetrators.
   2. Identity of witnesses, including those no longer at the scene.
   3. The offer of victim confidentiality per Government Code § 7923.615.
   4. Prior occurrences in this area or with this victim.
   5. Statements made by suspects; exact wording is critical.
   6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

(k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
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318.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.
5. Desecration of religious symbols, objects, or buildings.

(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
4. Prior occurrences, in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. Document the victim's protected characteristics.

(h) Provide victim assistance and follow-up.

(i) Canvass the area for additional witnesses.

(j) Examine suspect's social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
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(l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.

(m) Determine if the incident should be classified as a hate crime.

(n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
   1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
   2. Provide ongoing information to victims about the status of the criminal investigation.
   3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).


(p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

318.4.3 SUPERVISION
The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

(a) Provide immediate assistance to the crime victim by:
   1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
   2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
   3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
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(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

(j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

318.5 TRAINING
All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.

(b) Accurate reporting by officers, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

318.6 APPENDIX
See attachments:

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf
Standards of Conduct

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

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

319.3 DIRECTIVES AND ORDERS
Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS
Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.
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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

319.3.3 DISCRIMINATION

(a) Failure to comply with Monterey City Code 25-3.03 Harassment / Discrimination Policy (Ord 3416; 09/08)

319.4 GENERAL STANDARDS
Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

319.5 CAUSES FOR DISCIPLINE
The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

319.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
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(b) Disobedience of any legal directive or order issued by any department member of a higher rank.
(c) Violation of federal, state, local or administrative laws, rules or regulations.

319.5.2 ETHICS
(a) Using or disclosing one’s status as a member of the Monterey Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member’s duties (lawful subpoena fees and authorized work permits excepted).
(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
(e) Offer or acceptance of a bribe or gratuity.
(f) Misappropriation or misuse of public funds, property, personnel or services.
(g) Any other failure to abide by the standards of ethical conduct.

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM
Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS
(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.
(b) Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
(d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member
knows, or reasonably should know of such criminal activities, except as specifically
directed and authorized by this department.
(f) Participation in a law enforcement gang as defined by Penal Code § 13670.
Participation is grounds for termination (Penal Code § 13670).

319.5.5 ATTENDANCE
(a) Leaving the job to which the member is assigned during duty hours without reasonable
excuse and proper permission and approval.
(b) Unexcused or unauthorized absence or tardiness.
(c) Excessive absenteeism or abuse of leave privileges.
(d) Failure to report to work or to the place of assignment at the time specified and fully
prepared to perform duties without reasonable excuse.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE
(a) Unauthorized and inappropriate intentional release of confidential or protected
information, materials, data, forms, or reports obtained as a result of the member’s
position with this department.
   (a) Members of this department shall not disclose the name, address, or image of
   any victim of human trafficking except as authorized by law (Penal Code § 293).
(b) Disclosing to any unauthorized person any active investigation information.
(c) The use of any information, photograph, video, or other recording obtained or
accessed as a result of employment or appointment to this department for personal
or financial gain or without the express authorization of the Chief of Police or the
authorized designee.
(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any
department property for personal use, personal gain, or any other improper or
unauthorized use or purpose.
(e) Using department resources in association with any portion of an independent civil
action. These resources include but are not limited to personnel, vehicles, equipment,
and non-subpoenaed records.

319.5.7 EFFICIENCY
(a) Neglect of duty.
(b) Unsatisfactory work performance including but not limited to failure, incompetence,
inefficiency, or delay in performing and/or carrying out proper orders, work
assignments, or the instructions of supervisors without a reasonable and bona fide
excuse.
(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent
work.
(d) Unauthorized sleeping during on-duty time or assignments.
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(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

319.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.

2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.

3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.

2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
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319.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

319.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
Standards of Conduct

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member’s ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
Information Technology Use

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

320.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

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

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

The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

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

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

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

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

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

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

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

320.4.2 HARDWARE
Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.
320.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member’s assignment.

Downloaded information shall be limited to messages, mail, and data files.

320.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other “off the clock” work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

320.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department.
**Information Technology Use**

involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service. The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.
Report Preparation

321.1 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.

321.1.1 REPORT PREPARATION
Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission.

REPORT SUBMISSION BEFORE GOING OFF-DUTY OR ON DAYS OFF

- Employees will complete and submit all reports taken during the shift, before going off-duty, unless approved by a supervisor.
- All in-custody reports will be completed before going off-duty and will not be approved to be held.
- The following reports will not be approved to be held if an employee is going on days off:
  - Felonies
  - Sexual Assault
  - Domestic Violence
  - Crimes of Violence
  - Use of Force
  - Reports requiring prompt follow-up action on active leads.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the transcription service. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee’s opinions should not be included in reports unless specifically identified as such.

321.2 REQUIRED REPORTING
Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.
321.2.1 CRIMINAL ACTIVITY
When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

(a) All arrests
(b) All felony crimes
(c) Non-Felony incidents involving threats or stalking behavior
(d) Situations covered by separate policy. These include:
   (a) Use of Force Policy
   (b) Domestic Violence Policy
   (c) Child Abuse Policy
   (d) Senior and Disability Victimization Policy
   (e) Hate Crimes Policy
   (f) Suspicious Activity Reporting Policy
   (g) Arson and Suspicious Fire Investigations Policy
   (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

321.2.2 NON-CRIMINAL ACTIVITY
The following incidents shall be documented using the appropriate approved report:

(a) Anytime an officer points a firearm at any person
(b) Any use of force against any person by a member of this department (see the Use of Force Policy)
(c) Any firearm discharge (see the Firearms Policy)
(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
(e) Any found property or found evidence
(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
(g) Suspicious incidents that may indicate a potential for crimes against children or that a child’s safety is in jeopardy
(h) All protective custody detentions
(i) Suspicious incidents that may place the public or others at risk
(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

(k) Fall of Person (FOP) reporting

See attachment: Patrol.procedure.FOP 12-14-22.pdf

321.2.3 DEATH CASES
Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.
(b) Suicides.
(c) Homicide or suspected homicide.
(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
(e) Found dead bodies or body parts.

321.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

321.2.5 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.

321.2.6 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 Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).
321.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.

(b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
   
   1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications.

(d) Vehicle burglaries with no suspect information or evidence.

(e) Stolen vehicle attempts with no suspect information or evidence.

(f) Annoying telephone calls with no suspect information.

(g) Identity theft without an identifiable suspect.

(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.

(i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.

(j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

321.2.8 COST RECOVERY / CONDITION OF SENTENCING

It is the policy of this Department to make every effort to recover the costs associated with the loss or damage to personal or City property. When that loss or damage can be attributed to a person dealt with in an employee's official capacity, the provisions set forth below will be followed.

A. When a person responsible for damage/loss is arrested:

1. Employee sustaining loss or damage to property
   
   a. Establish in narrative portion of the report how person arrested is responsible;
   
   b. Complete "Request for Court-Ordered Restitution" form (MPD#8901A) and attach to the report;
   
   c. If damaged property, photograph the damage and have photo retained with case report.

2. Supervisor: Ensure report is complete with attachment and forward to the Court Liaison Officer, Risk Manager, and Division Commander.
3. Court Liaison Officer: Ensure the report is forwarded to the District Attorney and that the District Attorney is notified that we are seeking court-ordered restitution.

4. Division Commander
   a. If loss to employee is for personal property, cause appropriate claims to be completed for reimbursement.
   b. If loss is to City property, ensure Risk Manager is notified to commence civil action for recovery.

B. When responsible person is not arrested

1. Employee sustaining loss or damage to property
   a. Establish in narrative portion of the report how person is responsible;
   b. Complete separate memorandum requesting restitution and attach to the report.

2. Supervisor: Ensure report is complete with attachment and forward to the Division Commander.

3. Division Commander
   a. If loss to employee is for personal property, cause appropriate claims to be completed for reimbursement;
   b. If loss is to City property, ensure Risk Manager is notified to commence civil action for recovery.

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

321.3.2 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.

321.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should advise the reporting employee of the corrections needed. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

321.5 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.

321.6 COUNTER REPORTS
Generally, when a person comes to the Police Department for the purpose of reporting a crime or filing a police report, an officer should be summoned to prepare the report and take whatever other action may be necessary. However, there are a limited number of circumstances in which Records staff may be authorized to prepare a report in lieu of summoning an officer.

When a person comes to the Police Department and indicates they wish to file a police report, and it appears that the circumstances meet the Department’s criteria, the employee shall seek the approval of the Watch Commander to prepare a Counter Report.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Counter Reports.

See attachment: 3210 Counter Reports Prior 0504.pdf

See attachment: 3210 Attachment 1-Counter Report Form Prior 0504.pdf
Media Relations

322.1 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.


322.2 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

322.3 ACCESS
Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
   1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

322.3.1 CRITICAL OPERATIONS
A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.
322.3.2 TEMPORARY FLIGHT RESTRICTIONS
Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

322.4 POLICY
It is the policy of the Monterey Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

322.5 PROVIDING ADVANCE INFORMATION
To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at a minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.

322.6 MEDIA REQUESTS
Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.

(b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.
322.7 CONFIDENTIAL OR RESTRICTED INFORMATION
It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

322.7.1 EMPLOYEE INFORMATION
The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

322.8 RELEASE OF INFORMATION
The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

322.8.1 INFORMATION LOG
The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).

(b) The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.
At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).
Subpoenas and Court Appearances

323.1 PURPOSE AND SCOPE
This policy establishes an overview guideline for department members who must appear in court. It will allow the Monterey Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Subpoena Processing and Court Appearances.

See attachment: 3230 Subpoena Processing and Court Appearances Prior 0501.pdf

323.1.1 DEFINITIONS
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.

323.2 POLICY
Monterey Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

323.3 SUBPOENAS
Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).
323.3.1 SPECIAL NOTIFICATION REQUIREMENTS
Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of
or at the request of any party other than the City Attorney or the prosecutor shall notify his/her
immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official
capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a
member of any such unit of government, as a result of his/her official capacity, is a
party.

(c) Any criminal proceeding where the member is called to testify or provide information
on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her
association with the Monterey Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by
a government entity other than the Monterey Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as
may be indicated by the case. The Chief of Police should determine if additional legal support
is necessary.

No member shall be retaliated against for testifying in any matter.

323.3.2 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters
arising out of their official duties, as directed by the current memorandum of understanding or
collective bargaining agreement.

The Department should seek reimbursement for the member’s compensation through the civil
attorney of record who subpoenaed the member.

323.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or
appointment will not be compensated for their appearance. Arrangements for time off shall be
coordinated through their immediate supervisors.

323.4 FAILURE TO APPEAR
Any member who fails to comply with the terms of any properly served subpoena or court-ordered
appearance may be subject to discipline. This includes properly served orders to appear that were
issued by a state administrative agency.

323.5 STANDBY
To facilitate standby agreements, members are required to provide and maintain current
information on their addresses and contact telephone numbers with the Department.
Subpoenas and Court Appearances

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

323.6 COURTROOM PROTOCOL
When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
(b) Dress in the department uniform or business attire.
(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

323.6.1 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court. If the subpoenaed officer feels it would be beneficial to speak with the prosecuting attorney they should do so in a timely manner to allow for proper court preparation.

323.7 OVERTIME APPEARANCES
When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Overtime, Sick-Time, Workers’ Compensation Time.

See attachment: 10200 Overtime Sick-Time Workers Comp Time Prior 8303.pdf
Outside Agency Assistance

324.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

324.2 POLICY
It is the policy of the Monterey Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

324.3 ASSISTING OUTSIDE AGENCIES
Generally, requests for any type of assistance from another agency should be routed to the Watch Commander’s office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

324.3.1 INITIATED ACTIVITY
Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Monterey Police Department shall notify his/her supervisor or the Watch Commander and Monterey County Emergency Communications Center (Dispatch) as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

324.4 REQUESTING OUTSIDE ASSISTANCE
If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.
The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

**324.5 REPORTING REQUIREMENTS**
Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or memorandum as directed by the Watch Commander.

**324.6 MANDATORY SHARING**
Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Division Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.

2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Personnel/IA Sergeant (Training) should maintain documentation that the appropriate members have received the required training.
Registered Offender Information

325.1 PURPOSE AND SCOPE
This policy establishes guidelines by which the Monterey 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.

325.2 POLICY
It is the policy of the Monterey 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.

325.3 REGISTRATION
The Investigations 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. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

325.3.1 CONTENTS OF REGISTRATION
The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

325.4 MONITORING OF REGISTERED OFFENDERS
The Investigations 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.
The Investigations Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Monterey Police Department personnel, including timely updates regarding new or relocated registrants.

### 325.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Monterey Police Department's website. Information on sex registrants placed on the Monterey Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Police Records/Detention Supervisor may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

### 325.5.1 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).
325.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).
Major Incident Notification

326.1 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.

326.2 POLICY
The Monterey 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.

326.3 MINIMUM CRITERIA FOR NOTIFICATION
Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Use of force with significant injury to suspect or employee
- Significant injury or death to employee - on or off duty
- Major persons crime (e.g., shooting, incident where there are major injuries to victims, etc.)
- Death of a prominent official
- Arrest of a department employee or prominent official
- Arrest of a law enforcement officer or military personnel
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

326.4 WATCH COMMANDER RESPONSIBILITY
The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the listed phone number and making personal contact. If personal contact can not be made the Watch Commander will call another command officer.
326.4.1 STAFF NOTIFICATION
In the event an incident occurs described in the Major Incident Notification Policy, the affected Division Commander shall be notified. The Division Commander will ensure the Assistant Chief of Police and Chief of Police are notified.

326.4.2 DETECTIVE NOTIFICATION
If the incident requires that a detective respond from home, the Division Commander of the appropriate detail shall be contacted who will then contact the appropriate detective.

326.4.3 PUBLIC INFORMATION OFFICER (PIO)
The Public Information Officer shall be called and notified of any Major Incident or other incident where it appears the media may have a significant interest in the incident.
Death Investigation

327.1 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.

327.2 INVESTIGATION CONSIDERATIONS
Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

327.2.1 CORONER REQUEST
Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).
Death Investigation

(l) Occupational diseases or occupational hazards.
(m) Known or suspected contagious disease and constituting a public hazard.
(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
(o) In prison or while under sentence. Includes all in-custody and police involved deaths.
(p) All deaths of unidentified persons.
(q) All deaths of state hospital patients.
(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
(s) All deaths where the patient is comatose throughout the period of the physician’s attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

327.2.2 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.

327.2.3 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, after consultation with the watch commander. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification, after consultation with the watch commander and Coroner’s Office. 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.
Death Investigation

327.2.4 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.

327.2.5 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented on the appropriate form.

327.2.6 SUSPECTED HOMICIDE
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

327.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES
Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)). OSHA can be contacted at: (510)794-2521 the Fremont Office, 39141 Civic Center Dr. Suite 310 Fremont, CA 94538-5818.
Identity Theft

328.1 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.

328.2 REPORTING
(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.
Private Persons Arrests

329.1 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.

329.2 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.

329.3 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.

329.4 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.
Private Persons Arrests

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 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

329.5 REPORTING REQUIREMENTS
Officers shall complete a narrative report regarding the circumstances and disposition of the incident and any other related documents such as citations, booking forms, etc.
Limited English Proficiency Services

331.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

331.1.1 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 Monterey 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).

331.2 POLICY
It is the policy of the Monterey 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.

331.3 LEP COORDINATOR
The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator for the Monterey Police Department is the Administration Division Commander.

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

(a) Coordinating and implementing all aspects of the Monterey 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 Dispatch MCECC Director. The list should include information regarding the following:
   1. Languages spoken
   2. Contact information

(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) Working with Human Resources in 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.

331.4 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.
Limited English Proficiency Services

(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.

331.5 TYPES OF LEP ASSISTANCE AVAILABLE
Monterey 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 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.

331.6 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.

331.7 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.

331.8 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 City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.
331.9 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.

(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.

The Monterey Police Department Procedural Manual outlines the procedure to pursue bilingual certification in the section titled, Bilingual Certification Procedure.

See attachment: 3310 Bilingual Cert Proc - Prior Dir 0006 Bilingual Policy.pdf

331.9.1 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 City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.
331.9.2 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.

331.10 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 interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

331.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Monterey 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.

331.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals. The Monterey Police Departments contracts for communications services through the County Of Monterey. As part of the contract with the County, 9-1-1 operators have procedures in place to accommodate LEP individuals.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member of the police department to the assignment, if available and appropriate.
Limited English Proficiency Services

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.

331.12 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.

331.13 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, 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.
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331.14 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.

331.15 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.

331.16 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.

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.

331.17 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.

331.18 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 Personnel/IA Sergeant (Training) 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 Personnel/IA Sergeant (Training) 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.

331.18.1 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 Personnel/IA Sergeant (Training) shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.
Communications with Persons with Disabilities

332.1 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.

332.1.1 DEFINITIONS
Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

332.2 POLICY
It is the policy of the Monterey 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.

332.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR
The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107).

The ADA Coordinator for the Monterey Police is the Administratin Division Commander.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Monterey Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.
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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Dispatch MCECC Director. The list should include information regarding the following:
   1. Contact information
   2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

332.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.
332.5 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 Monterey 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.

332.6 TYPES OF ASSISTANCE AVAILABLE
Monterey 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.
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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

332.7 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.

332.8 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).

332.9 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 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).
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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

332.10 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.

332.11 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.

332.12 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.
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332.13 FIELD ENFORCEMENT
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual’s preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

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.

332.13.1 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.

332.14 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
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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

332.15 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.

332.16 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.

332.17 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.
332.18 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 Personnel/IA Sergeant (Training) 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 Personnel/IA Sergeant (Training) shall maintain records of all training provided, and will retain a copy in each member’s training file in accordance with established records retention schedules.
Mandatory Employer Notification

333.1 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.

333.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING
In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

333.2.1 ARREST OF PUBLIC SCHOOL TEACHER
In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

333.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE
In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

333.2.3 ARREST OF PRIVATE SCHOOL TEACHER
In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).
333.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR
In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor’s Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

333.3 POLICY
The Monterey Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

333.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES
In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).
Biological Samples

334.1 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.

334.2 POLICY
The Monterey 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.

334.3 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.

334.4 PROCEDURE
When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

334.4.1 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.
334.5 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.

The supervisor shall review and approve any plan to use force and be present to document the process.
Chaplains

335.1 PURPOSE AND SCOPE
This policy establishes the guidelines for Monterey Police Department Chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

335.2 POLICY
The Monterey Police Department shall ensure that department Chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

335.3 ELIGIBILITY
Requirements for participation as a Chaplain for the Department may include, but are not limited to:

(a) A Master of Divinity (MDiv) degree
(b) Membership in and minimum training as required by the International Conference of Police Chaplains (ICPC) or similar professional organization, as determined by the Chief of Police.
(c) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
(d) Managing their households, families and personal affairs well.
(e) Having a good reputation in the community.
(f) Successful completion of an appropriate-level background investigation.
(g) A minimum of five years of successful counseling experience.
(h) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

335.4 RECRUITMENT, SELECTION AND APPOINTMENT
The Monterey Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department. All prospective chaplains should complete an application for part time/seasonal employment form.

See attachment: Job-Application-PT-Seasonal.pdf

A documented background investigation shall be completed on each chaplain applicant. The background shall include, but not necessarily be limited to, the following:

(a) Complete a P.O.S.T. Public Safety Dispatcher (POST 2-255) Personnel History Statement (PHS)
Chaplains

(b) Interview with Background Investigator to discuss PHS
(c) Traffic and criminal background check (Records check from law enforcement agencies)
(d) Fingerprint shall be obtained from all applicants and processed through the California Criminal Information Index
(e) Employment
(f) References

All applicants shall be required to meet and pass the same pre-employment procedures as department non-sworn professional staff before appointment.

335.4.1 SELECTION AND APPOINTMENT
Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:
(a) Submit the appropriate written application.
(b) Include a recommendation from employers or volunteer programs.
(c) Interview with the Chief of Police and the Chaplain coordinator.
(d) Successfully complete an appropriate-level background investigation.
(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a Chaplain is removed for alleged misconduct, the Chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

335.5 IDENTIFICATION AND UNIFORMS
As representatives of the Department, Chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each Chaplain. Identification symbols worn by Chaplains shall be different and distinct from those worn by officers through the inclusion of “Chaplain” on the uniform and not reflect any religious affiliation.

Chaplains will be issued Monterey Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Monterey Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.
335.6 CHAPLAIN COORDINATOR
The Chief of Police shall delegate certain responsibilities to a Chaplain coordinator. The coordinator shall be appointed by the Administration Division Commander or the authorized designee.

The Chaplain coordinator shall serve as the liaison between the Chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective Chaplain management within the Department, and to direct and assist efforts to jointly provide more productive Chaplain services. Under the general direction of the Chief of Police or the authorized designee, Chaplains shall report to the Chaplain coordinator and/or Watch Commander.

The Chaplain coordinator may appoint a senior Chaplain or other designee to assist in the coordination of Chaplains and their activities.

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

(a) Recruiting, selecting and training qualified Chaplains.
(b) Conducting Chaplain meetings.
(c) Establishing and maintaining a Chaplain callout roster.
(d) Maintaining records for each Chaplain.
(e) Tracking and evaluating the contribution of Chaplains.
(f) Maintaining a record of Chaplain schedules and work hours.
(g) Completing and disseminating, as appropriate, all necessary paperwork and information.
(h) Planning periodic recognition events.
(i) Maintaining liaison with other agency Chaplain coordinators.

An evaluation of the overall use of Chaplains will be conducted on an annual basis by the coordinator.

335.7 DUTIES AND RESPONSIBILITIES
Chaplains assist the Department, its members and the community, as needed. Assignments of Chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All Chaplains will be assigned to duties by the Chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as Chaplains with this department. If there is any question as to the receiving person’s intent, Chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.
Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Monterey Police Department.

335.7.1 COMPLIANCE
Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

335.7.2 OPERATIONAL GUIDELINES
(a) Chaplains will be scheduled to be on-call as determined by the Chaplain Coordinator.
(b) Generally, each Chaplain will serve with Monterey Police Department personnel a minimum of eight hours per month.
(c) At the end of each watch the Chaplain will complete a Chaplain shift report and submit it to the Chief of Police or the authorized designee.
(d) Chaplains shall be permitted to ride with officers during any shift and observe Monterey Police Department operations, provided the Watch Commander has been notified and has approved the activity.
(e) Chaplains shall not be evaluators of members of the Department.
(f) In responding to incidents, a Chaplain shall never function as an officer.
(g) When responding to in-progress calls for service, Chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
(h) Chaplains shall serve only within the jurisdiction of the Monterey Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
(i) Each Chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each Chaplain will exercise appropriate security measures to prevent distribution of the data.

335.7.3 ASSISTING DEPARTMENT MEMBERS
The responsibilities of a Chaplain related to department members include, but are not limited to:
(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
(b) Visiting sick or injured members in the hospital or at home.
(c) Attending and participating, when requested, in funerals of active or retired members.
(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
(e) Providing counseling and support for members and their families.
(f) Being alert to the needs of members and their families.
Chaplains

335.7.4 ASSISTING THE DEPARTMENT
The responsibilities of a Chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.
(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.
(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
(f) Participating in in-service training classes.
(g) Willingness to train others to enhance the effectiveness of the Department.

335.7.5 ASSISTING THE COMMUNITY
The duties of a Chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.
(b) Providing an additional link between the community, other Chaplain coordinators and the Department.
(c) Providing liaison with various civic, business and religious organizations.
(d) Promptly facilitating requests for representatives or leaders of various denominations.
(e) Assisting the community in any other function as needed or requested.
(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the Chaplain's ability to assist.

335.7.6 CHAPLAIN MEETINGS
All Chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Chaplain coordinator.

335.8 PRIVILEGED COMMUNICATIONS
No person who provides Chaplain services to members of the Department may work or volunteer for the Monterey Police Department in any capacity other than that of Chaplain.

Department Chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.
Chaplains

No Chaplain shall provide counsel to or receive confidential communications from any Monterey Police Department member concerning an incident personally witnessed by the Chaplain or concerning an incident involving the Chaplain.

335.9 TRAINING
The Department will establish a minimum number of training hours and standards for department Chaplains. The training, as approved by the Personnel/IA Sergeant (Training), may include:

- Basic Chaplain Certification - P.O.S.T. Course #40010 - Basic Law Enforcement Chaplain Course
- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity
Child and Dependent Adult Safety

336.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)). This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

336.2 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 Monterey Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

336.3 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.
Child and Dependent Adult Safety

336.3.1 AFTER AN ARREST
Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee’s disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
   1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver’s judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
   1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Division of Aging and Adult Services.

(e) Consult with 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.

336.3.2 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.

336.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

336.3.4 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.

336.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.
Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

336.5 TRAINING
The Personnel/IA Sergeant (Training) 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

337.1 PURPOSE AND SCOPE
The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

337.1.1 DEFINITIONS
Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

337.2 POLICY
It is the policy of the Monterey Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

337.3 IDENTIFICATION AND USE OF SERVICE ANIMALS
Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with
schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### 337.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Monterey Police Department affords to all members of the public (28 CFR 35.136).

#### 337.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal’s status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

#### 337.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

#### 337.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

#### 337.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service
Service Animals

animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).
Volunteer Program

338.1 PURPOSE AND SCOPE
It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

338.1.1 DEFINITION OF VOLUNTEER
An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

338.2 VOLUNTEER MANAGEMENT

338.2.1 VOLUNTEER COORDINATOR
The Volunteer Coordinator is the Administration Division Commander. The Administration Division Commander may delegate supervision of specific volunteer programs as appropriate. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.
Volunteer Program

(i) Administering discipline when warranted.
(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

338.2.2 RECRUITMENT
Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

338.2.3 SCREENING
All prospective volunteers shall complete a part-time/seasonal employment application form. The Volunteer Coordinator or designee will conduct a face-to-face interview with an applicant under consideration.

See attachment: Job-Application-PT-Seasonal.pdf

A documented background investigation shall be completed on each volunteer applicant or any outside personnel who will have unescorted access to the MPD building. The background shall include, but not necessarily be limited to, the following:

(a) Complete a P.O.S.T. Public Safety Dispatcher (POST 2-255) Personnel History Statement (PHS)
(b) Interview with Background Investigator to discuss PHS
(c) Traffic and criminal background check (Records check from law enforcement agencies)
(d) Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
(e) Employment
(f) References

A polygraph exam and credit check may be required of each applicant depending on the type of assignment.

338.2.4 SELECTION AND PLACEMENT
Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of
Volunteer Program

the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

338.2.5  TRAINING
Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment. All volunteers shall be encouraged to attend the departments Citizen Police Academy.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

338.2.6  FITNESS FOR DUTY
No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

   (a) Driver license
   (b) Medical condition
   (c) Arrests
   (d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

338.2.7  DRESS CODE
As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.
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Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

338.3 SUPERVISION OF VOLUNTEERS
Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.
(b) Ensure volunteers have work space and necessary office supplies.
(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

338.4 CONFIDENTIALITY
With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.
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338.5 PROPERTY AND EQUIPMENT
Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

338.5.1 VEHICLE USE
Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.
(b) Verification that the volunteer possesses a valid California Driver License.
(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

338.5.2 RADIO AND MDT USAGE
Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

338.6 DISCIPLINARY PROCEDURES/TERMINATION
A volunteer may be removed from the volunteer program at the discretion of the Chief of Police. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

338.6.1 EXIT INTERVIEWS
Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer’s suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.
338.7 EVALUATION
An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.
Off-Duty Law Enforcement Actions

339.1 PURPOSE AND SCOPE
The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Monterey Police Department with respect to taking law enforcement action while off-duty.

339.2 POLICY
Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

339.3 FIREARMS
Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer’s senses or judgment.

339.4 DECISION TO INTERVENE
There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.
Off-Duty Law Enforcement Actions

(c) The lack of equipment, such as handcuffs, OC or baton.
(d) The lack of cover.
(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
(f) Unfamiliarity with the surroundings.
(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

339.4.1 INTERVENTION PROCEDURE
If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Monterey Police Department officer until acknowledged. Official identification should also be displayed.

339.4.2 INCIDENTS OF PERSONAL INTEREST
Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

339.4.3 PROFESSIONAL STAFF RESPONSIBILITIES
Professional Staff personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

339.4.4 OTHER CONSIDERATIONS
When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

339.5 REPORTING
Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine what type of a report (i.e. crime report, memorandum, etc.) should be filed by the employee. In all instances the Watch Commander shall notify the Division Commander of the incident and document the incident in writing.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.
Canines

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

340.2 POLICY
The Monterey Police Department (MPD) does not have canines, but does on occasion rely on outside law enforcement agencies to provide a trained canine capability to assist the MPD with canine support for carrying out legitimate law enforcement objectives.

340.2 REQUESTS FOR CANINE TEAMS
MPD members may request the use of trained and certified canines from outside law enforcement agencies. Requests for canines from outside of the MPD shall be reviewed and approved by the MPD Watch Commander.

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

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

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

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
Canines

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

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

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

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

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

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

340.3.1 PREPARATION FOR DEPLOYMENT

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

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

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

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

An MPD supervisor who is sufficiently apprised of the situation may prohibit deploying the canine. Unless otherwise directed by an MPD supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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

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

340.3.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES
Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, an MPD supervisor and the outside law enforcement agency watch commander that employs the canine handler, should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to an MPD supervisor and the outside law enforcement agency watch commander that employs the canine handler. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

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

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

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

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by an MPD supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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

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

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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

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

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
Canines

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.
Department Use of Social Media

341.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

341.1.1 DEFINITIONS
Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

341.2 POLICY
The Monterey Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

341.3 AUTHORIZED USERS
Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member’s chain of command.

341.4 AUTHORIZED CONTENT
Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.
Examples of appropriate content include:

(a) Announcements.
(b) Tips and information related to crime prevention.
(c) Investigative requests for information.
(d) Requests that ask the community to engage in projects that are relevant to the department mission.
(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
(f) Traffic information.
(g) Press releases.
(h) Recruitment of personnel.

341.4.1 INCIDENT-SPECIFIC USE
In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

341.5 PROHIBITED CONTENT
Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
(c) Any information that could compromise an ongoing investigation.
(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Monterey Police Department or its members.
(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
(f) Any content posted for personal use.
(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department’s social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

341.6 MONITORING CONTENT
The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.
341.7 RETENTION OF RECORDS
The Administration Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

341.8 TRAINING
Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

341.9 MODERATION OF THIRD PARTY CONTENT
The department does not endorse, support, sanction, encourage, verify or agree with third-party comments, messages, posts, advertisements, videos, content, external hyperlinks, statements, commercial products, processes, or services posted on any social media site.

User-generated posts may be rejected or removed when the content includes any of the following:

- incitement of violence or violent behavior,
- defamation or spread of misinformation,
- copyrighted or commercial material,
- fraudulent material or accusations, or
- obscene or illegal material, or
- information that compromises the safety or security of the public or public systems.

Any member of the public that posts; participates at their own risk, understanding that they are responsible for their comments, their username, and any information provided.
Reserve Officers

342.1 PURPOSE AND SCOPE
The Monterey Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels or assist in specialized units.

342.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS
The Monterey Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

342.2.1 PROCEDURE
All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed a POST approved basic academy and Field Training Program in compliance with POST guidelines for reserve officers.

342.2.2 APPOINTMENT
Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

342.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS
Compensation for reserve officers is provided as follows:

Sworn reserve officers will serve in a volunteer capacity that is a non-paid, non-benefited position.

All reserve officer appointees are issued safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

342.3 DUTIES OF RESERVE OFFICERS
Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Reserve officers may be assigned to assignments within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

342.3.1 POLICY COMPLIANCE
Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.
342.3.2 RESERVE OFFICER ASSIGNMENTS
All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

342.3.3 RESERVE COORDINATOR
The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel
(b) Conducting reserve meetings
(c) Establishing and maintaining a reserve call-out roster
(d) Maintaining and ensuring performance evaluations are completed
(e) Monitoring individual reserve officer performance
(f) Monitoring overall Reserve Program
(g) Maintaining liaison with other agency Reserve Coordinators

342.4 SUPERVISION OF RESERVE OFFICERS
Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). The immediate supervision requirement shall also continue for reserves who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Chief of Police.

342.4.1 SPECIAL AUTHORIZATION REQUIREMENTS
Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Chief of Police, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

342.4.2 RESERVE OFFICER MEETINGS
All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

342.4.3 IDENTIFICATION OF RESERVE OFFICERS
All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.
Reserve Officers

342.4.4 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department.

342.4.5 INVESTIGATIONS AND COMPLAINTS
If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Chief of Police.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

342.4.6 RESERVE OFFICER EVALUATIONS
Reserve officers will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

342.5 FIREARMS REQUIREMENTS
Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

342.5.1 CARRYING WEAPON ON DUTY
Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

342.5.2 CONCEALED FIREARMS PROHIBITED
No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.
342.5.3 RESERVE OFFICER FIREARM TRAINING
All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual that apply to all sworn officers.

342.6 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL
The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.
Native American Graves Protection and Repatriation

343.1 PURPOSE AND SCOPE
This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

343.1.1 DEFINITIONS
Definitions related to this policy include (43 CFR 10.2):

**Funerary objects and associated funerary objects** - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

**Native American human remains** - The physical remains of the body of a person of Native American ancestry.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

343.2 POLICY
It is the policy of the Monterey Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

343.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT
Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.
Native American Graves Protection and Repatriation

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

343.4 EVIDENCE AND PROPERTY
If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).
Gun Violence Restraining Orders

344.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

344.1.1 DEFINITIONS
Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

344.2 POLICY
It is the policy of the Monterey Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

344.3 GUN VIOLENCE RESTRAINING ORDERS
An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

344.3.1 ADDITIONAL CONSIDERATIONS
Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

(a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.

(b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.
(c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

344.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS
An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Police Records/Detention Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

344.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS
An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

(a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.

(b) Serve the order on the restrained person if the person can be reasonably located.

(c) Forward a copy of the order to the Police Records/Detention Supervisor for filing with the court and appropriate databases.
Gun Violence Restraining Orders

344.5  SEARCH WARRANTS
If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
   1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
   2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner’s presence.

344.6  POLICE RECORDS/DETENTION SUPERVISOR RESPONSIBILITIES
The Police Records/Detention Supervisor is responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

(b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).

(d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).

(e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).
Gun Violence Restraining Orders

344.7   COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS
Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

(a) Record the individual’s name, address and telephone number.
(b) Record the serial number of the firearm.
(c) Prepare an incident report and property report.
(d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

344.8   RELEASE OF FIREARMS AND AMMUNITION
Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

344.9   GUN VIOLENCE RESTRAINING ORDER COORDINATOR
The Investigations Division Commander is the gun violence restraining order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
   1. A temporary emergency gun violence restraining order.
   2. An ex parte gun violence restraining order.
   3. A gun violence restraining order issued after notice and hearing.

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
   1. Whether threats have been made, and if so, whether the threats are credible and specific.
   2. Whether the potential victim is within close proximity.
   3. Whether the person has expressed suicidal tendencies.
   4. Whether the person has access to firearms.
   5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
   6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
Gun Violence Restraining Orders

7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.

8. Whether the person has any history of drug or alcohol abuse.

(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).

2. Forwarding orders to the Police Records/Detention Supervisor for recording in appropriate databases and required notice to the court, as applicable.

3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).

4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.

5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(d) Coordinating with the Personnel/IA Sergeant (Training) to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

344.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS
The Investigations Division supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

344.11 POLICY AVAILABILITY
The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).
344.12 TRAINING
The Personnel/IA Sergeant (Training) should ensure that members receive periodic training on
the requirements of this policy (Penal Code § 18108).
Community Relations

345.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

345.2 POLICY
It is the policy of the Monterey Police Department to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

345.3 MEMBER RESPONSIBILITIES
Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Monterey County Emergency Communications Center (Dispatch) of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Monterey County Emergency Communications Center (Dispatch) of their location and status during the foot patrol.
345.4 COMMUNITY RELATIONS COORDINATOR
All personnel are responsible for positive community relations. The Chief of Police has designated the Community Action Team (CAT) Supervisor to serve as the community relations coordinator. This position is responsible for:

(a) Obtaining department approved training related to his/her responsibilities.
(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
(c) Organizing surveys to measure the condition of the department’s relationship with the community.
(d) Working with community groups, department members and other community resources to:
   1. Identify and solve public safety problems within the community.
   2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of operations.
(e) Working with the Patrol Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
(f) Recognizing department and community members for exceptional work or performance in community relations efforts.
(g) Attending City council and other community meetings to obtain information on community relations needs.
(h) Assisting with the department’s response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department’s community relations goals, as appropriate.

345.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS
The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
(b) Police-community get-togethers (e.g., cookouts, meals, charity events).
(c) Youth leadership and life skills mentoring.
(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
(e) Neighborhood Watch and crime prevention programs.
Community Relations

345.6 INFORMATION SHARING
The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the department and community members. Examples of information-sharing methods include:

(a) Community meetings.
(b) Social media (see the department Use of Social Media Policy).
(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

345.7 LAW ENFORCEMENT OPERATIONS EDUCATION
The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.
(b) Department website postings.
(c) Presentations to driver education classes.
(d) Instruction in schools.
(e) Department ride-alongs (see the Ride-Along Policy).
(f) Scenario/Simulation exercises with community member participation.
(g) Youth internships at the Department.
(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

345.8 SAFETY AND OTHER CONSIDERATIONS
Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.
Community Relations

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

345.9 TRANSPARENCY
The department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

345.10 TRAINING
Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.
(b) Cultural, racial and ethnic diversity and relations.
(c) Building community partnerships.
(d) Community policing and problem-solving principles.
(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.
Arson and Suspicious Fire Investigations

346.1 PURPOSE
Arsons and suspicious fires have the potential to result in major and oftentimes complex investigations. It is the policy of the Monterey Police Department (MPD) to work closely with the Monterey Fire Department (MFD) to ensure that these types of incidents are thoroughly and properly investigated. This policy defines the roles for members of both the MPD and MFD relative to arson and suspicious fire investigations.

346.2 ARSON AND SUSPICIOUS FIRE INVESTIGATIONS
Crimes involving arson and/or suspicious fires shall be jointly investigated by the Monterey Police Department (MPD) and the Monterey Fire Department (MFD). Specifically:

1. When an MFD Fire Investigator determines that a fire is arson or suspicious in nature, the on-duty MPD Watch Commander will be notified without delay if any of the following criteria are met:
   A. The location involves an inhabited dwelling (occupied or not)
   B. There is a serious injury or loss of life
   C. There is significant financial loss
   D. The fire is connected to a serial arson case

2. The MPD Watch Commander will contact the MPD Investigations Supervisor to request investigative assistance.

3. The Detective(s) assigned will be responsible for assuming the criminal aspect of the investigation, to include the preservation, collection and packaging of evidence, interviews, and all other appropriate follow-up.

4. The Detective(s) assigned will prepare and forward the case to the District Attorney’s office for review, as appropriate.

5. These types of investigations shall necessitate a team approach, with the designated MFD Fire Investigator and MPD Detective(s) working jointly and utilizing the combined expertise of both disciplines to develop the best investigative outcome.

346.3 REPORTING
Members will complete an MPD report:

- If the cause of the fire appears to be arson, or
- Information related to the cause of the fire appears to be suspicious.
Pawn and Secondhand Dealers

347.1 POLICY
It shall be the policy of this department to adhere to the reporting requirements of § 21630 and § 21634 of the California Business and Professions Code (B&P) for all pawned and secondhand articles reported to the Monterey Police Department by licensed pawn shops and secondhand dealers operating in the jurisdiction of the City of Monterey.

347.2 PURPOSE
To provide guidance to the agency in the processing of pawnbrokers and secondhand dealers falling within the definition of a secondhand dealer as defined in Section § 21628 B&P and Section § 21208 Financial Code (FC) to curtail the dissemination of stolen property and to facilitate the recovery of stolen property by means of a uniform program of regulation of persons whose principal business is the buying, selling, trading, auctioning, or taking in pawn of tangible personal property and to aid the State Board of Equalization to detect possible sales tax evasion.

347.3 PROCEDURE
The Monterey Police Department Procedural Manual describes the procedures related to Pawn and Secondhand Dealers in the section titled, Pawn and Secondhand Dealers.

See attachment: 3450 Pawn and Secondhand Dealers - prior Dir 0001.pdf
Booking Approval / Prisoner Transport

348.1 PURPOSE
The purpose of this policy is to:

- Ensure uniform supervisory review and approval of charges to be brought against those who are arrested and booked by Monterey Police personnel;
- Establish guidelines for the transport of persons who are in the custody of the Monterey Police Department.

348.2 BOOKING APPROVAL & MEDICAL CLEARANCE

A. Booking Approval -
- Prior to booking a person into any jail facility, the arresting officer shall contact the on-duty Watch Commander, who shall be responsible for reviewing the circumstances of the arrest and providing approval of the charge(s) to be brought against the arrestee.
- Watch Commander Review -
  - Prior to booking, a thorough review of each arrest shall be conducted by the Watch Commander to determine whether sufficient evidence exists to book the arrestee and what the appropriate charge(s) should be. **NOTE: In cases involving detective initiated arrests, the Watch Commander shall consult with the Investigations Sergeant. However, the Watch Commander shall make the final determination.**
  - When the booking charges have been decided upon, the Watch Commander shall make a determination as to the arrestee’s eligibility for release on his or her “Own Recognizance” (OR) per Penal Code section 853.6. The Watch Commander shall have the authority to deny an OR release, depending on the circumstances or, in rare situations, suspend the booking process prior to release.
  - Refer to the Cite and Release Policy in this manual, regarding release.

B. Medical Clearance -
- Upon arrest, the investigating officer shall visually inspect and question the prisoner to determine if there are any obvious signs of injury, illness or preexisting illness requiring immediate medical attention. This includes extreme intoxication or narcotic influence.
- If any are found, the arresting officer shall immediately call emergency medical personnel to either treat the person in the field or transport to the hospital, depending upon the circumstances. The Watch Commander shall be notified immediately. In some cases, it may be acceptable to transport a person with relatively minor injuries from a scene to the rear of the jail if it becomes necessary to do so for officer safety reasons. However, EMS personnel shall examine the arrestee prior to their entering the jail when at all possible.
- The Field Supervisor should make every attempt to meet an officer at the jail following each arrest to approve the booking and verify the arrestee does not require medical attention.
treatment prior to entry into the jail. This can be done as part of the normal booking approval process.

- Once at the jail, the Police Service Technician (PST) shall promptly review any prior booking history in RMS involving the individual to determine if there were prior pre-existing medical conditions (i.e. delirium tremens, etc) for which the arrestee was treated. If such conditions are found, the PST shall notify the Watch Commander who shall determine if a medical clearance is required prior to booking.

- The PST will ensure the medical screening process is completed prior to conducting any further portion of the booking process. If the PST has any inclination that the prisoner requires immediate medical attention, they shall promptly notify the Watch Commander and advise of the circumstances. The Watch Commander shall advise the arresting officer to obtain a medical release prior to any further booking (refer to the MPD Jail Manual section titled Medical Evaluation and Treatment).

- No prisoner shall be housed in a cell until such time that a medical screening has been completed unless unusual circumstances, (i.e. combative arrestee) exist. An officer waiting outside the jail to book another prisoner does not qualify as an unusual circumstance.

C. Documentation - Officer's Responsibility -

- The officer responsible for preparing the arrest report shall include the name of the Watch Commander who provided booking approval and "Own Recognizance release" determination in the body of the arrest report.

### 348.3 PRISONER TRANSPORT

The purpose of this policy is to establish guidelines for the transport of persons who are in the custody of the Monterey Police Department.

The Monterey Police Department Procedural Manual describes the procedures related to Prisoner Transport in the section titled, Prisoner Transport Policy.

See attachment: 3460 Prisoner Transport Prior Dir 0204.pdf

#### 348.3.1 SOBERING CENTER

The Sobering Center, located at 119 Capitol Street, Salinas, is an alternative placement to jail for 647(f) PC arrests and first time DUI offenders. The center is open 24 hours a day / 7 days a week. The center has 5 male beds, 3 female beds and 2 non-gender (overflow) beds.

- Criteria: The center will take 647(f) PC and first time offender DUI arrestees who are dropped off by Law Enforcement and have alcohol in their system. The arrestee can also be under the influence of controlled substances, but to qualify they must have at least a.001 BAC. The arrestee can be released to the Sobering Center per 849(b) PC, or released on a citation.

- Ineligible: The arrestee cannot be passed out, and must be able to speak and answer questions. The arrestee cannot be combative, a sex registrant, or infested with parasites. The arrestee cannot have a medical condition that needs immediate attention.
Booking Approval / Prisoner Transport

• Field Procedure: Following arrest, if the arrestee meets the criteria, obtain supervisor approval and call the Sobering Center at 831-272-3983 to determine bed availability. Escort the subject inside the back door, remove handcuffs, have them sign the Intake form. Sobering Center staff will then take over.

• Report Procedure: Note in the crime report that the arrestee was released to the Sobering Center. The supervisor approving the report will ensure that the Sobering Center box is checked in RMS.

• Monthly Report: The CAT supervisor will report the number of Sobering Center transports by officers in the monthly CAT report.

See attachment: 3461 Sobering Center Procedure.pdf
City Code Violations - Issuing Citations and Filing Complaints

349.1 POLICY
It shall be the policy of this department that all sworn personnel and personnel assigned to Animal Control responsibilities shall enforce the provisions of the Monterey City Code (MCC). Enforcement of City Code sections will be accomplished for the purposes of ensuring the welfare of the public, maintaining order, and regulating municipal affairs. Personnel assigned to Animal Control responsibilities shall enforce those provisions of the Code relating to animal control only.

349.2 DEFINITIONS
A. City Codes
   City Codes are the general ordinances of the City as listed in The Code of the City of Monterey.

B. Citations
   When handling City Code Violations offenders may be issued citations on the Notice to Appear form, Notice of Parking Violation form, or Administrative Citation forms, whichever is appropriate.

C. Reports
   Case reports are used to document violations that are to be forwarded to the City Attorney’s Office for prosecution.

349.3 PROCEDURE
A. City Code violations observed by an officer may be handled by giving a warning or by issuing a citation. If a citation is issued the officer shall have discretion over whether to issue a criminal Notice to Appear citation or a civil Administrative citation. Notice to Appear citations may be issued as either infractions that are handled through the Marina Traffic Courts, or as misdemeanors that are prosecuted through the criminal courts by the City Attorney.

B. When making the decision to issue a citation, the officer should consider the circumstances surrounding the violation to determine the most appropriate citation to issue. Verbal warnings and civil Administrative citations may be appropriate for first time offenders or in cases where the offense is minor in nature. Notice to Appear citations may be appropriate for repeat offenders or in cases that are egregious in nature or involve offenders that show no regard for the rights of others.

C. If an offender is issued an Administrative citation the matter is handled civilly through the City Attorney’s office. They do not require a court date, a signature from the offender, or a case report. They should be filled out completely and officers may document the issuance of the citation by recording notes on the back of the Department copy of the citation. They shall be forwarded to the City Attorney’s for processing. Offenders unable to provide a physical address or a P.O. Box shall not be issued an Administrative citation.
City Code Violations - Issuing Citations and Filing Complaints

D. If an offender is issued a Notice to Appear as an infraction, the officer should complete the citation and list the appropriate MCC violation, provide a brief description, (e.g. camping or drinking in public), and a date and time for a court appearance. The violation should be marked as an infraction and the offender shall be cited in to the Marina Traffic Court using the same appearance guidelines as a traffic violation. No case report is required and the officer should record notes on the back of the Department copy of the citation to document the circumstances surrounding the issuance of the citation.

E. If an offender is issued a Notice to Appear as a misdemeanor, the officer should complete the citation and list the appropriate MCC violation and description. The officer should mark the violation as a misdemeanor and cite the offender to the Salinas Superior Court using the same appearance guidelines as those used for a misdemeanor penal code violation. The officer shall complete a case report documenting the incident. The report should include the signed citation, any supporting documents, and references to any evidence gathered and retained. The report shall be forwarded to the City Attorney’s office for prosecution.

F. City Code violations witnessed by a second party are handled as offenses not committed in the officer’s presence. If the witness wishes to sign a Notice to Appear citation as a complaint and appear in court to testify, the violator can be cited at the scene and sign a violator, promising to appear.

G. City Code violations discovered but not witnessed by an officer or a complaining party (i.e., trash dumping, tampering with a fire alarm, signs posted on utility poles) are investigated like regular criminal cases. Evidence is gathered witnesses and/or suspects are interviewed and a crime report is filed. The complete case is forwarded to the City Attorney for action if the person who committed the violation identified, and the City Attorney will then seek a complaint.

H. In all cases, when MCC violations are documented, they shall be done separately from other code violations. MCC violations cannot be combined with other violations (e.g. Penal Code or Vehicle Code) in either an Incident Report or the same Notice to Appear.
Chapter 4 - Patrol Operations
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY
The Monterey Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION
Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Monterey. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.
(b) Apprehending criminal offenders.
(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
(e) Responding to reports of criminal and non-criminal acts.
(f) Responding to routine calls for service, such as public assistance or public safety.
(g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
(h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
(i) Directing and controlling traffic.

400.4 INFORMATION SHARING
To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.
Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.4.1 CRIMINAL INFORMATION REPORTS
Criminal information reports can be submitted to the Records Section for distribution to all divisions within the Department through daily and special bulletins.

400.4.2 CRIME REPORTS
A crime report may be completed by any employee who is authorized to write police reports and who receives criminal information. The report will be processed and forwarded to the appropriate Division for retention or follow-up investigation.

400.4.3 INFORMATION CLIPBOARDS
Several information clipboards will be maintained in the Patrol Sergeant's Office and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard and the wanted persons clipboard.

400.4.4 BULLETIN BOARDS (REAL AND VIRTUAL)
Bulletin boards will be kept in the Patrol Sergeant's Office and the Investigations Division for display of suspect information, intelligence reports and photographs. New Departmental Directives and Memorandums will be made available for patrol supervisors and will be discussed at briefings and shift meetings. Virtual Bulletin Boards will be utilized to augment the physical bulletin boards. All personnel will regularly review Departmental email and other technology resources utilized by the Department to be aware of the most current Departmental Memorandums, Directives, Policy Updates and information.

400.5 CROWDS, EVENTS AND GATHERINGS
Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.
Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.5.1 CAMPUS LIAISON
A college or university in this jurisdiction should designate 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 Patrol Division Commander is the designated department liaison staff member to work with all colleges, public or private on relevant issues such as, scheduled events, training and crowd control. College campuses in Monterey include the Monterey Peninsula College (MPC), the Middlebury Institute of International Studies at Monterey (MIIS) and Brandman University.

400.6 MILITARY LIAISON - DEFENSE LANGUAGE INSTITUTE (DLI) & NAVAL POSTGRADUATE SCHOOL (NPS)
The Assistant Chief of Police is the designated department liaison staff member to work with all military institutions located in Monterey on relevant issues such as scheduled events, training and response to specific events. Military institutions in Monterey include the Defense Language Institute Foreign Language Center (DLIFLC), Presidio of Monterey and the Naval Postgraduate School (NPS).

Presidio of Monterey
It is the policy of this Department that police responsibilities will be shared concurrently with the Presidio of Monterey (POM) Police Department in the area known generally as "Lower Presidio."

We will work cooperatively to ensure the public safety for residents and visitors alike.

The Lower Presidio has concurrent jurisdiction which results in a cooperative effort in providing vital law enforcement services. Monterey Police employees may enforce all applicable state laws and City Code violations in the Lower Presidio area.

Lower Presidio is located in Beat 1. Patrol Officers, Traffic officers and other MPD employees will provide service as needed/requested.

Report taking responsibilities

1. All crimes involving civilians and/or civilians and military personnel are the responsibility of MPD (victim and suspect).

2. All building burglaries are the responsibility of MPD.

3. All crimes involving military personnel are the responsibility of the POM Police Department (victim and suspect).

4. All incidents involving the Native American Archaeological Sites are the responsibility of the POM Police Department.

5. Vehicle accidents involving civilian drivers (one or both) are the responsibility of MPD.
Patrol Function

See attachment: Lower Presidio Map.pdf

La Mesa Navy Housing

It is the policy of this Department that police responsibilities will be shared concurrently with the Presidio of Monterey (POM) Police Department in the area known generally as "La Mesa Navy Housing." The MPD will work cooperatively to ensure the public safety for residents and visitors alike. The Army and Navy have an MOU that delegates policing authority for the La Mesa Navy Housing area to the Presidio of Monterey (POM) Police.

As with the Defense Language Institute (DLI), the POM Police Department has primary law enforcement responsibilities for the La Mesa Navy Housing area. The exception is the La Mesa Elementary School in the La Mesa Navy Housing area where the MPD will provide primary law enforcement responsibilities, as the La Mesa Elementary School it is part of the Monterey Peninsula Unified School District (MPUSD)

Memorandums of Understanding

Reference the attached MOUs related to the Presidio of Monterey and the Naval Post Graduate School.

See attachment: POM MOU 08-09-12.pdf

See attachment: Navy MOU 02-22-2019 Ag-7569.pdf

See attachment: La Mesa Army Navy MOU.PD

400.7 MONTEREY COUNTY COURTHOUSE - 1200 AGUAJITO ROAD, MONTEREY

The Assistant Chief of Police is the designated department liaison staff member to work with the Monterey County Courthouse on relevant issues such as scheduled events, training and response to specific events.

The following guidelines are established to provide a mutual understanding pertaining to incidents occurring in the Monterey County Courthouse Complex. In the event a situation is disputed, it shall be handled by the agency first responding to the incident. Nothing shall preclude the on-duty supervisors of the respective agencies from resolving jurisdictional issues, but if not resolved, the matters shall be brought to the attention of the appropriate administrative level of the affected agencies to resolve the issue.

The Monterey County Courthouse Complex, is defined as the property known generally as 1200 Aguajito Road, Monterey, including but not limited to all buildings, parking lots, driveways, sidewalks, and pathways, as shown in Assessor's Parcel No. 001781013000.

When emergencies and critical Incidents, such: as an immediate threat to the safety of individuals, major felonies, hostage-taking, bomb threats, active shooters, and felonious assaults on persons, are occurring, the Sheriff, Monterey Police Department and District Attorney's Office will attempt to stabilize the incident. The incident shall be turned over to the Sheriff's Office when appropriate.
The Monterey County Sheriff's Department will have initial response, preliminary investigation, and follow up investigative responsibilities for crimes or calls for service that occur or emanate from the Monterey County Courthouse Complex. The Sheriff may request assistance from the District Attorney's Bureau of Investigation and/or the Monterey Police Department as necessary.

The Monterey Police Department will provide initial response, preliminary investigation, and follow up investigative responsibilities for crime reported to staff of the Monterey County Courthouse Complex when the reported crime did not occur at the Monterey County Courthouse Complex, but did occur in the City of Monterey's jurisdiction.

Reference the attached MOU related to the Monterey County Courthouse Complex:

See attachment: County Courthouse signed 03-22-18.pdf
Bias-Based Policing

401.1 PURPOSE AND SCOPE
This policy provides guidance to department members that affirms the Monterey Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department’s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS
Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY
The Monterey Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 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.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT
Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.
Bias-Based Policing

401.4 MEMBER RESPONSIBILITIES
Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT
Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS
As of January 1, 2022, 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 Monterey Police Department is the primary agency, the Monterey Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer’s shift or as soon as practicable (11 CCR 999.227).

The Administration Division Commander, or their designee, is responsible for reviewing and conducting a monthly audit of the stop data reports and submitting required reports to the California Department of Justice (DOJ), monthly.

401.5 SUPERVISOR RESPONSIBILITIES
Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

   1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used
Bias-Based Policing

to document contact between officers and the public to ensure compliance with the policy.

1. Supervisors should document these periodic reviews.

2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION
Each year, the Assistant Chief of Police should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING
Training on fair and objective policing and review of this policy should be conducted as directed by the Commander of the Administration Division (Training).

(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)).

401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Internal Affairs Unit Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Police Records/Detention Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Section Policy.
Bias-Based Policing

As of January 1, 2022, supervisors should ensure that data stop reports are provided to the Police Records/Detention Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).
Briefing Training

402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer’s assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
(b) Notifying officers of changes in schedules and assignments
(c) Notifying officers of new Department Memorandums or changes in Department Memorandums
(d) Reviewing recent incidents for training purposes
(e) Providing training on a variety of subjects

For those employees who do not or may not attend the daily briefing it is the employees responsibility to review the briefing material when they start their shift each work day.

402.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Personnel/IA Sergeant (Training) for inclusion in training records, as appropriate.
Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY
It is the policy of the Monterey Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY
The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS
The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.
(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
(d) Provide first aid to injured parties if it can be done safely.
(e) Evacuate the location safely as required or appropriate.
(f) Secure the inner perimeter.
(g) Protect items of apparent evidentiary value.
(h) Secure an outer perimeter.
(i) Identify potential witnesses.
(j) Start a chronological log noting critical times and personnel allowed access.
403.5 SEARCHES
Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT
When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS
Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

Any employee that is requested to enforce Health Orders is to contact their supervisor if practical, prior to enforcement.
Monterey Peninsula Regional Special Response Unit

404.1 PURPOSE AND SCOPE
The Special Response Unit (SRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2019 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1) and the MOU between the Monterey Special Response Unit agencies.

See attachment: SRU MOU 2010.pdf

See attachment: SRU Policy Manual 05032022.pdf

See attachment: SRU Procedure Manual Updated 02-7-2020.pdf

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY
The Policy Manual sections pertaining to the Special Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the procedures outlined in the SRU Procedure Manual serves as a guideline to department personnel allowing for appropriate on scene decision making as required.

404.1.2 SWAT TEAM DEFINED
A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

404.2 POLICY
It shall be the policy of this department to participate in the SRU and to provide the equipment, staffing, and training necessary to assist in maintaining the regional SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:
(a) Command and Control
(b) Containment
(c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.2.1 POLICY CONSIDERATIONS
The Monterey Police Department is a member of the Monterey Peninsula Regional Special Response Unit (SRU). The Monterey Peninsula Regional Special Response Unit Memorandum of Understanding (MOU) is the guiding principle for operation, selection and training of the SRU.

404.2.2 OPERATIONAL PROCEDURES
The SRU has developed a written set of operational procedures. The operational procedures are patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SRU members and outlines tactical and officer safety issues, they are not included in this policy manual.

404.3 MANAGEMENT/SUPERVISION OF THE SPECIAL RESPONSE UNIT
The Commander of the SRU shall be selected by the SRU Board of Chiefs in accordance with the Monterey Peninsula Regional Special Response Unit Memorandum of Understanding.

404.4 SWAT TEAM ADMINISTRATIVE PROCEDURES
The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in situations such as; cases where suspects have taken hostages and/or barricaded themselves, prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others, etc.

404.5 OPERATION GUIDELINES FOR SPECIAL RESPONSE UNIT
The following procedures serve as guidelines for the operational deployment of the Special Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SRU Commander.

404.5.1 ON-SCENE DETERMINATION
The supervisor in charge on the scene of the event will assess whether the Special Response Unit may be needed. The on-scene supervisor in consultation with the Watch Commander, will
contact the SRU Commander to determine if SRU will respond. If it is determined that SRU will respond, notifications through the chain-of-command will be made to the Chief of Police.

404.5.2 APPROPRIATE SITUATIONS FOR USE OF SPECIAL RESPONSE UNIT
The following are examples of incidents which may result in the activation of the Special Response Unit:

(a) Barricaded suspects who refuse an order to surrender.
(b) Incidents where hostages are taken.
(c) Cases of suicide threats.
(d) Arrests of dangerous persons.
(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

404.5.3 MOBILIZATION OF SPECIAL RESPONSE UNIT
The On-Scene supervisor shall make a request to the Watch Commander for the Special Response Unit. The Watch Commander shall then make a request for SRU to the SRU Commander. If the SRU Commander is unavailable, the request may be made to a SRU Team Tactical Commander. A current SRU mobilization list shall be maintained with The Monterey County Emergency Communications Center (Dispatch). The Watch Commander will notify the Patrol Division Commander as soon as practical that an SRU activation has been requested.

The Watch Commander will provide the SRU Commander with as much of the following information as possible:

(a) The type of crime involved and the details to that point.
(b) The number of suspects
(c) Known or suspected weapons and resources at the suspect's disposal.
(d) If the suspect is in control of hostages.
(e) If the suspect is barricaded.
(f) Any injuries or deaths that have occurred as a result of the incident.
(g) If the suspect has threatened or attempted suicide.
(h) The location of the command post and a safe approach to it.
(i) The extent of any perimeter and the number of officers involved.
(j) Whether the suspect has refused an order to surrender.
(k) Any other pertinent information related the the situation.

The SRU Commander or Tactical Commander will evaluate to determine if a call-out will be initiated.
404.5.4 FIELD UNIT RESPONSIBILITIES
In tactical situations that may require SRU response, field personnel should attempt to accomplish the following:

(a) Establish an inner and outer perimeter.
(b) Establish a command post outside of the inner perimeter.
(c) Establish an arrest/response team. The team actions may include:
   1. Securing any subject or suspect who may surrender.
   2. Taking action to mitigate a deadly threat or behavior.
(d) Evacuate persons that may be in close proximity if feasible.
(e) Attempt to establish preliminary communication with the suspect. Once SRU personnel arrive, coordination of communications will be determined.
(f) Brief SRU Personnel/Command on the situation.
(g) Plan for, and stage, anticipated resources.

404.5.5 ON-SCENE COMMAND RESPONSIBILITIES
The Monterey Police Department Incident Commander shall brief SRU Personnel/Command regarding the situation. After consultation with the SRU Commander, the MPD Incident Commander, will determine whether to deploy the Special Response Unit. If the MPD Incident Commander authorizes deployment, the SRU Commander will be responsible for the tactical deployment and operation of the event. The MPD Incident Commander shall continue supervision of the MPD command post, outer perimeter security, and support for the Special Response Unit. The Incident Commander and the SRU Commander (or his or her designee) shall maintain communications throughout the event.
Ride-Along Policy

405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

See attachment: Ride-Along Attachment 1-Media Guidelines.pdf
See attachment: Ride-Along Attachment 2-Media Info.pdf
See attachment: Ride-Along Attachment 3-Rider Info.pdf
See attachment: Ride-Aong Attachment 4-Student Info.pdf
See attachment: Ride-Along Attachment 5 Waiver Parent.pdf
See attachment: Ride-Along Attachment 6 Waiver.pdf

405.1.1 ELIGIBILITY

The Monterey Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 16 years of age (unless an MPD Explorer)
- Prior criminal history (any prior felony conviction, or any felony or misdemeanor arrest within one year)
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor (ex., intoxication, poor personal hygiene, etc.)

405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. Generally, participants will be assigned to a shift based on preference, with no more than one (1) Ride-Along scheduled for the same shift, or two (2) during double up days. Participants will generally be assigned one of the following times: 0900-1300, 1800-2200, or 2200-0200 hours. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.
Ride-Along Policy

405.2 PROCEDURE TO REQUEST A RIDE-ALONG
Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver’s license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form. No person shall participate in a ride-along without the on duty Watch Commander being notified.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

Any requests by the media for a ride-along will be approved by the Patrol Division Commander. Members of the media will be provided with the Monterey Police Department’s “Media Ride-Along Guidelines” form, which will be completed prior to their Ride-Along. These guidelines include, but are not limited to, prohibiting media access to areas not open to the public and prohibiting violation of the reasonable expectation of privacy of any individual, group, or organization.

405.2.1 PROGRAM REQUIREMENTS
Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, Volunteers In Policing, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

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 Explorers are covered in the Police Explorer Policy.

405.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.
Ride-Along Policy

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All Ride-along applicants are subject to a criminal history check. The criminal history check shall include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Monterey Police Department or a currently employed California peace officer) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

405.3 OFFICER’S RESPONSIBILITY
The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the officer shall include the time the ride along participated in the program and a copy of the Ride-Along form shall be returned to the Watch Commander with any comments which may be offered by the officer.

The Watch Commander shall forward all Ride-Along forms to the Patrol Commander who shall maintain a copy of all Ride-Along forms. This shall include both denied and completed Ride-Alongs.

405.4 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
Ride-Along Policy

(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.
Hazardous Material Response

406.1 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.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Hazardous Material, Biological-Chemical Terrorism Threat, Unidentified Substance, and Suspicious Parcel Response Procedures.

See attachment: 4060 Hazardous Material Prior 9001.pdf

See attachment: 4060 Attachment 1-BIO TERROR THREAT DISPACTH PRO.pdf

See attachment: 4060 Attachment 2-BIO TERRORISM HAZ-MAT RES GUIDV2.pdf

See attachment: 4060 Attachment 3-HAZ-MAT GROUP SUPERVISOR CHECKLIST V3.pdf

406.1.1 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.

406.2 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).

406.3 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 Commanding Officer. 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.

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.

406.3.1 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.

If a supervisor identifies a need for additional equipment they shall document the need and forward it to their Commander.

If there is an immediate need, supervisors shall consider the resources other City Departments that may have the needed equipment ie: Fire, Public Works etc.
Hostage and Barricade Incidents

407.1 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.

407.1.1 DEFINITIONS
Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:
   (a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
   (b) Unlawfully held against his/her will under threat or actual use of force.

407.2 POLICY
It is the policy of the Monterey 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.

407.3 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.

407.3.1 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,
Hostage and Barricade Incidents

or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

(a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),

(b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

(c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).

(d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.

(e) The contents of any oral communications overheard are recorded on tape or other comparable device.

407.4 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.

407.4.1 BARRICADE SITUATION
Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators.

During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
Hostage and Barricade Incidents

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Monterey Peninsula Regional - Special Response Unit (SRU) (Monterey Peninsula Regional - Special Response Unit (SRU)) response if appropriate and apprising the Monterey Peninsula Regional - Special Response Unit (SRU) Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours.
Hostage and Barricade Incidents

after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Monterey County Emergency Communications Center (Dispatch).

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

407.6 MONTEREY PENINSULA REGIONAL - SPECIAL RESPONSE UNIT (SRU) RESPONSIBILITIES
The Incident Commander will decide, with input from the Monterey Peninsula Regional - Special Response Unit (SRU) Commander, whether to deploy the Monterey Peninsula Regional - Special Response Unit (SRU) during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Monterey Peninsula Regional - Special Response Unit (SRU) 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 Monterey Peninsula Regional - Special Response Unit (SRU). The Incident Commander and the Monterey Peninsula Regional - Special Response Unit (SRU) Commander or the authorized designee shall maintain communications at all times.

407.7 REPORTING
The on-scene supervisor is responsible for ensuring the completion and coordination of incident reports related to the event. All personnel involved with the incident, are responsible for completing incident reports, related to their involvement with the situation. The MPD incident commander will coordinate with the SRU commander to ensure all SRU members have completed and turned in reports related to their actions taken during the event.
Response to Bomb Calls

408.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to assist members of the Monterey Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 POLICY
It is the policy of the Monterey Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT
Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY
A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 MONTEREY POLICE DEPARTMENT FACILITY
If the bomb threat is against the Monterey Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY
If the bomb threat is against a county or municipal facility within the jurisdiction of the Monterey Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.
408.4.3  FEDERAL BUILDING OR PROPERTY
If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility’s security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

408.5  PRIVATE FACILITY OR PROPERTY
When a member of this department receives notification of a bomb threat at a location in the City of Monterey, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.
(b) The nature of the threat.
(c) Whether the type and detonation time of the device is known.
(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
(e) Whether the individual is requesting police assistance at the facility.
(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
   1. No evacuation of personnel and no search for a device.
   2. Search for a device without evacuation of personnel.
   3. Evacuation of personnel without a search for a device.
   4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1  ASSISTANCE
The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.
Response to Bomb Calls

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility. This determination will be made in conjunction with the person in charge of the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.
   1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
   2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:
   1. Notification and response, or standby notice, for fire and emergency medical services.
   2. Notification and response of the Monterey County Sheriff's Bomb Squad.

If a bomb has not been found after a search and reasonable time has passed, the decision to allow evacuated persons back into the building will be left to the manager of the facility.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
   1. Two-way radios
   2. Cell phones
   3. Other personal communication devices

(d) The Monterey County Sheriff's Bomb Squad shall be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.
Response to Bomb Calls

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Watch Commander including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.
(b) Request additional personnel and resources, as appropriate.
(c) Assist with first aid.
(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
(e) Assist with the safe evacuation of victims, if possible.
(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
(g) Preserve evidence.
(h) Establish an outer perimeter and evacuate if necessary.
(i) Identify witnesses.

408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
Response to Bomb Calls

- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

408.7.3 CROWD CONTROL
Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

408.7.4 PRESERVATION OF EVIDENCE
As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.
Mental Illness Commitments

409.1 PURPOSE AND SCOPE
This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

See attachment: Mntl Hlth Protocol 2010.pdf
See attachment: BHCNT MOU 05-30-13.pdf
See attachment: BHCNT MOU Amnd 1 09-27-16.pdf

409.2 POLICY
It is the policy of the Monterey Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

409.3 AUTHORITY
An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person’s mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person
(b) A family member
(c) The person subject to the determination or anyone designated by the person

409.3.1 VOLUNTARY EVALUATION
If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

(a) Transport or coordinate the transport of the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
(b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
Mental Illness Commitments

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

409.4 CONSIDERATIONS AND RESPONSIBILITIES
Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the person’s action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

409.4.1 SECURING OF PROPERTY
When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual’s personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person’s property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

409.5 TRANSPORTATION
The transporting of individuals for a 5150 commitment may be by ambulance or by law enforcement vehicle.

If the transport will be in a law enforcement vehicle, the watch commander shall be consulted. When transporting any individual for a 5150 commitment, the transporting officer should have Monterey County Emergency Communications Center (Dispatch) notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee be transported in an ambulance and
the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

409.6 TRANSFER TO APPROPRIATE FACILITY
If an officer has transported the individual in a patrol unit, upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION
The officer shall complete an application for a 72-Hour detention for evaluation and treatment and provide a completed and signed original copy of the required documentation to, either: the transporting ambulance personnel, at the time of transport; or if providing the transport in a law enforcement vehicle, provide the documentaiton to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention, if the officer transports the individual, or responds to the facility.

409.7.1 ADVISEMENT
The officer taking a person into custody for evaluation shall advise the person of:

(a) The officer’s name and agency.

(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.

(c) The name of the facility to which the person is being taken.

(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being
taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.
(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
(c) Facilitate the individual’s transfer to jail and advise jail staff of the circumstances surrounding a possible 5150 commitment, ensuring jail staff is made aware if the subject has indicated a desire to harm themselves.
(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor’s judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons.

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the
person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

409.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS
Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations Division, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

409.10 TRAINING
This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.
Cite and Release Policy

410.1 PURPOSE AND SCOPE
This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

410.2 POLICY
It is the policy of the Monterey Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department’s mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

410.3 RELEASE BY CITATION
Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person’s arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

410.3.1 FIELD CITATIONS
In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

410.3.2 RELEASE AFTER BOOKING
In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

410.4 NON-RELEASE
Cite and Release Policy

410.4.1 DISQUALIFYING OFFENSES
An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
(b) Felony domestic battery (Penal Code § 273.5)
(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
(e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person’s workplace or residence (Penal Code § 273.6)
(f) Stalking (Penal Code § 646.9)
(g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

410.4.2 REASONS FOR NON-RELEASE
A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
(b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
(d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
(e) The person could not provide satisfactory evidence of personal identification.
   1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
   1. Previous failure to appear is on record
   2. The person lacks ties to the area, such as a residence, job, or family
   3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation

(j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.

(k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

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.

410.5 MISDEMEANOR WARRANTS
An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence.

(b) The misdemeanor cited in the warrant involves a firearm.

(c) The misdemeanor cited in the warrant involves resisting arrest.

(d) The misdemeanor cited in the warrant involves giving false information to a peace officer.

(e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.

(f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.

(g) The person has other ineligible charges pending against themselves.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

(j) The person cannot provide satisfactory evidence of personal identification.
(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

Exception: A warrant is an order of the court, if the warrant is marked *Own Recognizance (OR)* the arrestee may be released on a citation.

### 410.6 JUVENILE CITATIONS
Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Monterey City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigations Division for further action including diversion.

### 410.7 REQUESTING CASE NUMBERS
Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.
Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that members of the Monterey Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY
The Monterey Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 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.
411.4 ENFORCEMENT
If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.
411.5 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.

411.6 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 (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</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</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>
</tbody>
</table>
### Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Diplomatic-Level Staff of Missions to Int’l Org</th>
<th>No (note (b))</th>
<th>No</th>
<th>Yes</th>
<th>No</th>
<th>No</th>
<th>Same as sponsor (full immunity &amp; inviolability)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support Staff of Missions to Int’l Orgs</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</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.

#### 411.7 DEATH OF FOREIGN NATIONAL

Anytime this department is involved in any aspect of any death investigation or other circumstances involving the death of a foreign national, the investigating Police Officer shall notify the Watch Commander, who will determine the action necessary to fulfill the notification requirements.
Rapid Response and Deployment

412.1 PURPOSE AND SCOPE
Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

412.2 POLICY
The Monterey Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

See attachment: MOCO Active Shooter Guidline 2015.pdf

412.3 FIRST RESPONSE
If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.
(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.3.1 RESPONSE TO SCHOOL THREATS
Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a “threat” or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

412.4 CONSIDERATIONS
When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.5 PLANNING
The Assistant Chief of Police should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.
Rapid Response and Deployment

(d) Training opportunities in critical incident target sites, including joint training with site occupants.
(e) Evacuation routes in critical incident target sites.
(f) Patrol first-response training.
(g) Response coordination and resources of emergency medical and fire services.
(h) Equipment needs.
(i) Mutual aid agreements with other agencies.
(j) Coordination with private security providers in critical incident target sites.

412.6 TRAINING
The Personnel/IA Sergeant (Training) should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
(b) Communications interoperability with other law enforcement and emergency service agencies.
(c) Patrol first-response training, including patrol rifle, breaching tool and control device training.
   (a) This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
(d) First aid, including gunshot trauma.
(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).
Immigration Violations

413.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the Monterey Police Department relating to immigration and interacting with federal immigration officials.

For reference, the California Values Act (Government Code § 7284 et seq.) is attached here:

See attachment: California Values Act (Govt Code 7284).pdf

Requests for Information from Immigrations and Customs Enforcement (ICE) will be guided by MPD Procedure 4130 attached below:

See attachment: 4130 ICE Requests for Information.pdf

413.1.1 DEFINITIONS
The following definitions apply to this policy (Government Code § 7284.4):

**Criminal immigration violation** - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

**Immigration enforcement** - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

**Judicial warrant** - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

413.2 POLICY
It is the policy of the Monterey Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES
To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.
413.4 DETENTIONS AND ARRESTS
An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual’s status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

413.4.1 SUPERVISOR RESPONSIBILITIES
When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Transfer the person to jail.

413.5 FEDERAL REQUESTS FOR ASSISTANCE
Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a lieutenant. The lieutenant is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

413.6 INFORMATION SHARING
No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records
Immigration Violations

(c) Exchanging such information with any other federal, state, or local government entity
Nothing in this policy restricts sharing information that is permissible under the California Values Act.

413.6.1 IMMIGRATION DETAINERS
No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

(a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).

(b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.

(c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(d) The individual is a current registrant on the California Sex and Arson Registry.

(e) The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

413.6.2 NOTICE TO INDIVIDUALS
Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Monterey Police Department intends to comply with the request (Government Code § 7283.1).

If the Monterey Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

413.6.3 ICE INTERVIEWS
Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Monterey Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.
413.6.4 TRANSFERS TO IMMIGRATION AUTHORITIES
Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

413.6.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Investigations Division supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Police Records/Detention Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Section Policy).

413.7 U VISA AND T VISA NONIMMIGRANT STATUS
Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Division Commander who will work with the supervisor assigned to oversee the handling of any related case. The Investigations Division supervisor should:

(a) Coordinate with the Police Records/Detention Supervisor (PRDS) to review and complete the required documents.

(b) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(d) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
   1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
   2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement
Immigration Violations

B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(e) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(f) Inform the victim liaison of any requests and their status.

413.7.1 TIME FRAMES FOR COMPLETION
Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall coordinate with the Investigations Division Commander to complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall coordinate with the Investigations Division Commander to complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

413.7.2 REPORTING TO LEGISLATURE
The Investigations Division Commander or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

413.7.3 POLICE REPORTS
Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

413.8 TRAINING
The Personnel/IA Sergeant (Training) should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).
Emergency Utility Service

414.1 PURPOSE AND SCOPE
The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

414.1.1 BROKEN WATER LINES
The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by County Communications.

414.1.2 ELECTRICAL LINES
City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, the Fire Department and an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

414.1.3 RESERVOIRS, PUMPS, WELLS, ETC.
Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

414.1.4 EMERGENCY NUMBERS
A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by County Communications.

414.2 TRAFFIC SIGNAL MAINTENANCE
The City of Monterey contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of California.

414.2.1 OFFICER'S RESPONSIBILITY
Upon observing a damaged or malfunctioning signal, the officer will advise the County Communications of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.
Aircraft Accidents

415.1 PURPOSE AND SCOPE
The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

415.1.1 DEFINITIONS
Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/ dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

415.2 POLICY
It is the policy of the Monterey Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

415.3 ARRIVAL AT SCENE
Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.
(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
(c) Preserve ground scars and marks made by the aircraft.
(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
(e) Maintain a record of persons who enter the accident site.
(f) Consider implementation of an Incident Command System (ICS).

415.4 INJURIES AND CASUALTIES
Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.
415.5 NOTIFICATIONS
When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department
(b) Appropriate airport tower
(c) Emergency medical services (EMS)

415.6 CONTROLLING ACCESS AND SCENE AUTHORITY
Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.
(b) Fire department, EMS or other assisting law enforcement agencies.
(c) Coroner.
(d) Air Carrier/Operators investigative teams with NTSB approval.
(e) Appropriate branch of the military, when applicable.
(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

415.7 DANGEROUS MATERIALS
Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
(b) Pressure vessels, compressed gas bottles, accumulators and tires.
Aircraft Accidents

(c) Fluids, batteries, flares and igniters.
(d) Evacuation chutes, ballistic parachute systems and composite materials.

415.8 DOCUMENTATION
All aircraft accidents occurring within the City of Monterey shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of MPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

415.8.1 WRECKAGE
When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.
(b) Attempt to ascertain the number of casualties.
(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
   1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
(e) Acquire copies of any recordings from security cameras that may have captured the incident.

415.8.2 WITNESSES
Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.
(b) A detailed description of what was observed or heard.
(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
(d) The names of all persons reporting the accident, even if not yet interviewed.
(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

415.9 MEDIA RELATIONS & REPORTING
The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should
Aircraft Accidents

be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims’ names. The PIO should coordinate with other involved entities before the release of information.

At the conclusion of the Departmental investigation and with approval of the Administration Commander a copy of the report shall be forwarded to the appropriate allied agency ie: NTSB, Military etc..
Field Training Officer Program

416.1 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 Monterey 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.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Field Training Officer Program.

See attachment: 4160 Field Training Officer Policy Prior 8809.pdf

416.2 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.

416.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO
(b) Completed Probation
(c) Minimum of three years of patrol experience, one and a half of which shall be with this department
(d) Demonstrated ability as a positive role model
(e) Participate and pass an internal selection process
(f) Evaluation by supervisors and current FTOs
(g) Possess a POST Basic certificate

416.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer’s Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).
Field Training Officer Program

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

416.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR
The FTO Program supervisor should be selected from the rank of sergeant or above by the Chief of Police 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
(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) Review FTO evaluations weekly and complete the supervisors weekly evaluation of the trainee.

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)).

416.4 TRAINEE DEFINED
Any entry level or lateral police officer newly appointed to the Monterey Police Department who has successfully completed a POST approved Basic Academy.

416.5 REQUIRED TRAINING
Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee’s demonstrated performance and level of experience, but shall consist of a minimum of eight weeks. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.
416.5.1 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 Monterey 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 Monterey Police Department.

The Field Training Manual may be issued in an electronic manner.

416.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.

416.6.1 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.

416.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

416.6.3 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.

416.6.4 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.

416.7 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

417.1 PURPOSE AND SCOPE
The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of a air support may be requested and the responsibilities for making a request. Air support may be the use of a helicopter, fixed wing aircraft or other aircraft manned or unmaned.

417.2 REQUEST FOR AIR ASSISTANCE
If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

417.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for air assistance the Watch Commander, or his/her designee, will contact the Monterey County Emergency Communications Center (Dispatch) or the closest agency having support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

417.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Air support may be requested under any of the following conditions:

(a) When the air support is activated under existing mutual aid agreements
(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the air support may reduce such hazard
(c) When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
(d) When air support 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 air support support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.
Contacts and Temporary Detentions

418.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

418.1.1 DEFINITIONS
Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

418.2 POLICY
The Monterey Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.
418.3 FIELD INTERVIEWS
Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer’s suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Monterey Police Department to strengthen community involvement, community awareness, and problem identification.

418.3.1 INITIATING A FIELD INTERVIEW
When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual’s:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
(b) Actions suggesting that he/she is engaged in a criminal activity
(c) Presence in an area at an inappropriate hour of the day or night
(d) Presence in a particular area is suspicious
(e) Carrying of suspicious objects or items
(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
(g) Location in proximate time and place to an alleged crime
(h) Physical description or clothing worn that matches a suspect in a recent crime
(i) Prior criminal record or involvement in criminal activity as known by the officer

418.4 PAT-DOWN SEARCHES
Once a valid stop has been made, and consistent with the officer’s training and experience, an officer may pat a suspect’s outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
(b) Where more than one suspect must be handled by a single officer.
(c) The hour of the day and the location or neighborhood where the stop takes place.
(d) Prior knowledge of the suspect’s use of force and/or propensity to carry weapons.
(e) The actions and demeanor of the suspect.
Contacts and Temporary Detentions

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon. Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

418.5 FIELD PHOTOGRAPHS
Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

418.5.1 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 document the consent in the Crime Report or Supplemental Report as appropriate.

418.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT
Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer’s reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

418.5.3 DISPOSITION OF PHOTOGRAPHS
All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the Investigations (Gang) Supervisor. The Investigations (Gang) Supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file or which are not evidence in an investigations with an assigned case number shall be forwarded to the Records Section. These records will be purged as described in the Purging the Field Photo File subsection of this policy.
Contacts and Temporary Detentions

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

418.5.4 SUPERVISOR RESPONSIBILITIES
While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

418.6 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

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

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

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

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

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

418.7 DISPOSITION OF PHOTOGRAPHS
All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card 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 submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Watch Commander will forward the photo and documents to the Investigations (Gang) Supervisor. The Investigations (Gang) Supervisor will ensure
Contacts and Temporary Detentions

the photograph and supporting documents are retained as prescribed by the Criminal Organizations Policy.

(b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Section. These photographs will be purged as described in the Purging the Field Photo File subsection of this policy.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Section in a separate non-booking photograph file in alphabetical order.

418.7.1 PURGING THE FIELD PHOTO FILE
The purging of filed photo files will be in accordance to City Policy related to the retention of records.
Criminal Organizations

419.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that the Monterey Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

419.1.1 DEFINITIONS
Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

419.2 POLICY
The Monterey Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

419.3 CRIMINAL INTELLIGENCE SYSTEMS
No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

The Investigations/Special Operations Commander will be responsible for maintaining each criminal intelligence system that has been approved for department use. The Investigations/ Special Operations Commander or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.
(b) Use of every criminal intelligence system is appropriately reviewed and audited.
(c) Any system security issues are reasonably addressed.

419.3.1 SYSTEM ENTRIES
It is the designated supervisor’s responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance
with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Police Records/Detention Supervisor may not purge such documents without the approval of the designated supervisor.

419.3.2 GANG DATABASES
The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor’s responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General’s office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department’s decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Section after appropriate database entries are made. The supervisor 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 database rules and any applicable end user agreement.
Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

419.4 TEMPORARY INFORMATION FILE
No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

419.4.1 FILE CONTENTS
A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Evidence Section (Administration Division), but should be copies of, or references to, retained documents such as copies of reports, FI forms, Monterey County Emergency Communications Center (Dispatch) records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

419.4.2 FILE REVIEW AND PURGING
The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

419.5 INFORMATION RECOGNITION
Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.
(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Personnel/IA Sergeant (Training) to train members to identify information that may be particularly relevant for inclusion.

419.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

419.7 CRIMINAL STREET GANGS

The Investigations Division supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:

1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).

2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.

3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.
419.8 TRAINING
The Personnel/IA Sergeant (Training) should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.
(b) Participation in a multiagency criminal intelligence system.
(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
(e) The review and purging of temporary information files.

419.8.1 SHARED GANG DATABASE TRAINING
The Personnel/IA Sergeant (Training) should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).
Watch Commanders

420.1 PURPOSE AND SCOPE
Each patrol shift must be directed by supervisors, or designees, who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives.

420.2 DESIGNATION AS ACTING WATCH COMMANDER
When a Sergeant is unavailable for duty as Watch Commander, the senior FTO shall be the acting Watch Commander. This policy does not preclude designating a less senior Officer in Charge, Field Training Officer or other senior police officer as an acting Watch Commander when appointed/approved by the Division Commander.
Mobile Data Terminal Use

421.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Monterey County Emergency Communications Center (Dispatch).

421.2 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

421.3 POLICY
Monterey Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

421.4 RESTRICTED ACCESS AND USE
MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Watch Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

421.4.1 USE WHILE DRIVING
Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs
should be transmitted over the radio. An authorized member who is a vehicle passenger may operate the MDT at any time.

421.5 DOCUMENTATION OF ACTIVITY
Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting. MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.
(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

421.5.1 STATUS CHANGES
All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system, unless the radio/MDT system is not available, then an alternative such as a telephone may be used.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

421.5.2 EMERGENCY ACTIVATION
If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

421.6 EQUIPMENT CONSIDERATIONS

421.6.1 MALFUNCTIONING MDT
Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Monterey County Emergency Communications Center (Dispatch). It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.
Mobile Data Terminal Use

421.6.2  BOMB CALLS
When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.
Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) Recorders

422.1 PURPOSE AND SCOPE
This policy provides guidelines for the use of portable (Body Worn Cameras – BWC) and Mobile Audio/Video (MAV) recording devices by members of this department while in the performance of their duties.

BWC/MAV recordings are intended to assist and compliment officers in the performance of their duties. When these systems are used to record enforcement activities, they can provide a valuable visual and audio record of the incident. It is anticipated this evidence will:

- Provide a more transparent record of encounters with law enforcement;
- Assist members in report writing;
- Provide evidence in criminal investigations; and,
- Protect officers from unfounded allegations of misconduct.

Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to interviews or interrogations conducted at any Monterey Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

422.1.1 DEFINITIONS
Definitions related to this policy include:

A. “Activate” - Any process that causes the BWC or MAV system to transmit or store video or audio data in an active mode.

B. “Body Worn Camera (BWC) and Portable Audio Video Recorder System” – Synonymous terms which refer to any system that captures audio and video signals, that is mounted on an officer’s person that captures audio and video signals.

C. “In-car camera system and Mobile Audio/Video (MAV) System” - Synonymous terms which refer to any system that captures audio and video signals that is capable of installation in a vehicle.

D. “Recorded Media” - Audio-video signals recorded or digitally stored on a storage device or portable media.

E. “Officer – Involved Critical Incident” – is any incident in which a Peace Officer (Officer), acting under color of authority, is directly involved in the following:

1. Any discharge of a firearm by an Officer which proximately causes the death of, or injury to another.
Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) Recorders

2. An intentional use of any other deadly or dangerous weapon by an Officer which proximately causes the death of, or injury likely to produce death to another.

3. An intentional act on the part of the Officer which proximately causes the death of, or injury likely to produce death to another.

4. Any death of a person while in custody, or under Officer control.

422.2 POLICY
The Monterey Police Department may provide members with access to BWC and MAV 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.

422.3 MEMBER PRIVACY EXPECTATION
All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

Members are prohibited from using personally owned recording devices while on-duty.

422.4 MEMBER RESPONSIBILITIES

Body Worn Camera (BWC) Portable Recorder

Prior to going into service, each sworn member working in a uniformed capacity will be responsible for making sure that he/she is equipped with a BWC portable recorder issued by the Department, and that the recorder is in good working order at the beginning of their shift. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable. The recorder will be positioned in a location that will facilitate an optimum recording field of view. This location may vary from officer to officer based upon his/her specific uniform and body composition.

Note: This section is inclusive of all uniform types (i.e. bicycle patrol, CAT, Special Events, etc.), but is not meant to include members working as detectives unless otherwise engaged in a preplanned operation.

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. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Mobile Audio/Video (MAV) In-Car Recorder
At the start of each shift, members utilizing vehicles equipped with a MAV should test the MAV system’s operation in accordance with manufacturer specifications and department operating procedures and training. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

The MPDs BWC/MAV system is configured to automatically capture the user’s unique identification when the officer logs into the system and the date and time of each recording. Each member is responsible for ensuring that their assigned BWC is uploaded during their shift as needed or at the completion of their shift, or at any time the device’s memory is deemed to be full. The MAV system automatically downloads recordings to the network server via a secure access point anytime officers arrive at the MPD. (§832.18(b)(1) & (2) PC)

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

422.4.1 SUPERVISOR RESPONSIBILITIES
Supervisors will ensure that officers utilize the BWC/MAV according to these policy guidelines.

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, this will be documented in the Daily Shift Report (DSR).

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, Officer-Involved Critical Incidents, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, or BWC/MAV Coordinator (or their designee) properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may have the ability to immediately address citizen concerns by viewing video captured by the officer’s body-worn camera prior to contacting the citizen. At no time, except at the direction of the Chief of Police or their designee, shall the supervisor allow the citizen to view the file footage.

In those circumstances where a concern is addressed with no further action required, supervisors shall document this in the Daily Shift Report (DSR). This allowance is independent of the complaint process, and supervisors are reminded to abide by the policy relating to the complaint process.

At reasonable intervals, supervisors should validate that beginning and end-of-shift recording procedures are followed.

422.4.2 DOCUMENTING BWC/MAV USE
Members should not use the fact that a recording was made as a reason to write a less detailed report. BWC/MAV video cannot substitute for the collection of physical evidence such as
fingertips, documents, photographs or other important evidentiary items that are considered part of the criminal investigation. These items must be properly collected and booked into evidence.

Members should document the existence of a recording in any report or other official record of the contact, when the incident requires a reporting record per policy. If no police report is filed for the recorded encounter, then the reason(s) should be recorded on the citation, CAD event or Field Interview documentation process. Members shall ensure recorded incidents are properly tagged in the recording system.

Anytime the recording is terminated prior to the end of the encounter, the reason(s) should be documented both on the BWC/MAV recording before deactivation and in the subsequent police report. If no police report is filed for the recorded encounter, then the reason(s) for the early termination should be recorded on the citation, CAD event or Field Interview documentation process.

Members will document anytime they become aware that the recording malfunctioned, in the same manner.

Personnel involved in Officer-Involved Critical Incidents shall notify the responding supervisor of any recordings of the critical incident. The supervisor shall take immediate physical control of the BWC/MAV, download the recording as soon as practical and assign the recording to the Officer-Involved Critical Incident category.

422.5 ACTIVATION OF THE PORTABLE RECORDER
This policy is not intended to describe every possible situation in which the BWC or MAV recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder shall be activated in any of the following situations:

1. All field contacts involving actual or potential criminal conduct including:
   - Investigative and Enforcement contacts,
   - Stops/Detentions,
   - Field Interview (FI) situations / Citations,
   - Arrests (this includes taking or attempting to take persons into custody, i.e., an arrest, foot pursuit, protective custody of mentally disturbed person, etc.)
   - Verbal or Physical confrontations,
   - Use of force,
   - Suspicious vehicles,
   - Searches (persons, vehicles, homes, probation, PRCS, consent, etc.),
   - Service of search or arrest warrants
Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording,

- Preplanned Operations (regardless of assignment)

2. Traffic stops including, but not limited to;
   - Traffic violations,
   - Stranded motorist assistance,
   - DUI Investigations including field sobriety tests,
   - All crime interdiction stops

3. When en-route to a call for service that would require activation.

4. Emergency Vehicle Responses (Code 3 driving)

5. Pursuits (vehicle, bike, foot, etc.)

6. Interior rear-facing MAV activation
   - The rear-facing interior MAV shall be activated prior to placing persons in the back seat of a police vehicle equipped with an interior MAV (this does not apply to department members being transported for business purposes).

7. Statements
   - Suspect statements
   - Witness/Victim statements (refer to Victim and Witness Statement section of this policy)

Officers shall activate BWC/MAV recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. Officers shall not be required to activate or deactivate their BWC/MAV based solely on the requests or demands of a citizen, but rather rely on their training and this policy to direct their use of the BWC/MAV systems.

At no time is a member expected to jeopardize his/her safety in order to activate a BWC/MAV recorder. However, the recorder shall be activated in situations described above as soon as reasonably practicable. Additionally, the Department recognizes human performance limitations during particularly stressful, critical situations. As such, officers shall activate their BWC/MAV while en-route to a call for service. This will ensure the entire event is captured on the BWC/MAV.
Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) Recorders

The BWC/MAV system is integrated and designed to start recording on both devices whenever; the patrol unit’s emergency lights are activated, the speed of the patrol vehicle exceeds 80 mph, the gun release is activated, or there is a collision. The system remains on until it is turned off manually. The BWC/MAV system can also be activated manually and should be activated manually by the officer whenever appropriate.

422.5.1 WHEN NOT TO ACTIVATE THE BWC OR MAV RECORDER
Personnel are not required to activate the camera system during routine, incidental contact with a citizen, (i.e. giving directions or lunch breaks).

Members will not knowingly activate the body-worn camera in the following circumstances:

1. A potential witness who requests to speak to an officer confidentially or desires anonymity (refer to Victim and Witness Statement section of this policy).
2. A victim or witness who requests that he or she not be recorded and the situation is not confrontational (refer to Victim and Witness Statement section of this policy).
3. A victim who requests that he or she not be recorded as a condition of cooperation and the interests of justice require such cooperation (refer to Victim and Witness Statement section of this policy).
4. During tactical briefings, or the discussion of safety and security procedures that occur away from the scene of an investigation or enforcement encounter (i.e. a nearby staging location or Command Post).
5. Strip Searches.
6. Public or private locker rooms, changing rooms, restrooms, unless taking the police action as outlined in the “activation” section of this policy.
7. Doctor’s or lawyer’s offices, unless taking the police actions as outlined in the “activation” section of this policy.
8. Medical or hospital facilities, unless taking the police actions as outlined in the “activation” section of this policy.
9. Other places where individuals unrelated to the investigation are present and would have a reasonable expectation of privacy, unless taking the police actions as outlined in the “activation” section of this policy.
10. To surreptitiously record any department member without their consent, a court order, or unless lawfully authorized by the Chief of Police or designee for the purposes of a criminal investigation.
11. The monitoring of persons based solely upon the person’s political or religious beliefs or upon the exercise of the person’s constitutional rights to freedom of speech and religious expression, petition and assembly under the United States and California Constitutions, or because of the content or viewpoint of the person’s protected speech is prohibited.
Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) Recorders

12. Whenever necessary to ensure conversations are not recorded between a person in custody and the person’s attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

13. While officers are engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g. spouse, attorney, police peer counselor, labor representative, minister, etc.).

Note: A privileged conversation does not include a conversation with another officer or supervisor while actively engaged in a call for service, investigation, or enforcement encounter.

422.5.2 VICTIM AND WITNESS STATEMENTS
When conducting an investigation, the officer shall attempt to record the crime victim or witness' statement with the BWC/MAV. The recording may be valuable evidence that contributes to or compliments an investigation. While evidence collection is important, the Department also recognizes it is important for officers to maintain credibility with people wanting to share information with law enforcement.

On occasion, an officer may encounter a reluctant crime victim or witness who does not wish to make a statement on camera. In these situations, the officer should continue to develop rapport with the individual while balancing the need for evidence collection with the individual’s request for privacy.

Should the officer use discretion and not record the crime victim or witness statement with the BWC/MAV, the officer shall document the reason for not fully recording the statement with the BWC/MAV.

422.5.3 SURREPTITIOUS USE OF THE PORTABLE RECORDER
Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

422.5.4 CESSATION OF RECORDING
BWC/MAV recordings shall not be intentionally terminated until the conclusion of the encounter, nor shall cameras or microphones be intentionally covered or blocked to reduce the ability of the device to capture video or audio data while the device is activated.

Exception: in very limited situations members may deactivate while still assigned to a call as long as he/she has cleared the scene and is no longer involved in the care and/or custody of a prisoner or another person.

422.5.5 EXPLOSIVE DEVICE
Many recorders, including BWC/MAV transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.
Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) Recorders

422.6 PROHIBITED USE OF PORTABLE RECORDERS (§ 832.18 (B)(3) & (8) PC)
Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings are the property of the Department and shall be retained at the Department.

All data collected by a recorder is considered to be a law enforcement investigatory record and exempt from disclosure under Government Code § 6254(f).

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

422.7 TAGGING, IDENTIFICATION AND PRESERVATION OF RECORDINGS
To assist with identifying and preserving data and recordings, members shall tag these in accordance with procedure and document the existence of the recording in any related case report, citation, CAD or Field Interview process.


Members shall follow Procedure 4220 - Tagging Procedure which generally requires recordings be tagged when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
(b) A complainant, victim or witness has requested non-disclosure.
(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
(d) Disclosure may be an unreasonable violation of someone’s privacy.
(e) Medical or mental health information is contained.
(f) Disclosure may compromise an undercover officer or confidential informant.

422.8 REVIEW OF RECORDED MEDIA FILES
All file viewing is for law enforcement use only and subject to a right to know and need to know basis.

Recordings may be reviewed in any of the following situations:

(a) When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings.
Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) Recorders

(b) Supervisors are authorized to review relevant recordings any time they are:

- Conducting administrative investigations,
- Investigating alleged misconduct,
- Reviewing reports of meritorious conduct,
- Reviewing a Use of Force
- Reviewing a Pursuit
- To assist in resolving a matter of fact
- To assess proper training value. (The Chief of Police or her/his designee may authorize the use of recordings for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Chief of Police or his/her designee to determine if the training value outweighs the officer’s objection. In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.)
- To assess proper functioning of recorder systems
- To conduct periodic audits of the BWC/MAV activity to verify compliance of this policy.

(c) Supervisors may view body-worn camera files to evaluate the performance of an officer in the Field Training Program and while on probation.

(d) By an officer who is captured on or referenced in the recording and is reviewing the data for any purpose relating to her/his employment (ex., to prepare official reports, to prepare for court testimony or other legal processes, to prepare for an administrative interview).

(e) 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.

(f) To review as part of a criminal case they are assigned to investigate.

(g) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(h) By media personnel with permission of the Chief of Police or the authorized designee.

- Due to the heightened privacy concerns associated with a recording, any recording disclosed to the media may be edited to preserve the privacy of individuals unrelated to the case who were captured by the recording when they had a reasonable expectation of privacy.

- When appropriate, court orders preventing or limiting the dissemination of the recording shall be secured prior to distribution.

- The Monterey Police Department shall notify involved Departmental personnel in the event the MPD releases any recording(s) to the media.
Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) Recorders

(i) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

(j) At the discretion of the Chief of Police or his/her designee

Supervisors who inadvertently discover policy violations will continue to have discretion to resolve the violation with training or informal counseling. Should the policy violation rise to the level of more formal discipline, the supervisor will adhere to policies set forth in the policy manual.

Access to the body-worn camera system is logged automatically with the date, time and name of person viewing the files.

Chief of Police

422.9  BWC/MAV SYSTEM COORDINATOR

The MPD may utilize a server which is managed, owned and housed by City of Monterey Information Technology professionals. The MPD may also utilize a secure cloud-based solution which is managed by an experienced and reputable third-party vendor.

The Chief of Police or the authorized designee shall appoint a member(s) of the Department to coordinate the use and maintenance of BWC/MAV recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.

(b) Designating persons responsible for downloading recorded data.

(c) Establishing a maintenance system to ensure availability of operable BWC/MAV audio/video recording devices.

(d) Establishing a system for tagging and categorizing data according to the type of incident captured.

(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(g) Maintaining logs of access and deletions of recordings.

(h) Training

At reasonable intervals, the BWC/MAV System Coordinator (or their designee) should validate that logs reflect the proper chain of custody, including:

1. The tracking number of the BWC/MAV system media.

2. The date it was issued.

3. The law enforcement operator or the vehicle to which the BWC/MAV was issued.
Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) Recorders

4. The date it was submitted.

5. Law enforcement operators submitting the media.

6. Holds for evidence indication and tagging as required.

7. Ensure that the date and time being recorded accurately reflects the actual date and time.

422.9.1 SYSTEM OPERATIONAL STANDARDS
(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

(b) The BWC/MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The BWC/MAV system may not be configured to record audio data occurring prior to activation.

(d) Officers shall not erase, alter, reuse, modify or tamper with BWC/MAV recordings. Only the BWC/MAV System Coordinator or their designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(e) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the BWC/MAV Coordinator or their designee.

422.9.2 DELETION OF ACCIDENTAL RECORDING
In the event of an activation of a BWC/MAV where the resulting recording contains personal and/or private conversations of an officer unrelated to any ongoing criminal or internal affairs investigation, or otherwise has no valid official purpose, and which has no apparent evidentiary or investigatory value, an officer may request for the deletion of the accidentally recorded BWC/MAV file by submitting a written request to the BWC/MAV Coordinator. If the Chief of Police or their designee determines that the BWC/MAV recording contains personal and/or private conversations of an officer unrelated to an ongoing criminal or internal affairs investigation, or otherwise has no valid official purpose, and which has no apparent evidentiary or investigative value, it may be deleted after sixty days.

In the event of an activation of a BWC/MAV where the Chief of Police or their designee, determines that a BWC/MAV recording contains personal and/or private conversations or images of any individual unrelated to an ongoing criminal or internal affairs investigation, or otherwise has no valid official purpose, and which has no apparent evidentiary or investigatory value, it may be deleted after sixty days.

422.10 RETENTION OF RECORDINGS
Recordings of the following “Evidentiary Data” should be retained for a minimum of two years (§ 832.18 (b)(A)(B)(C) & (c)(1) PC):

- Officer-Involved Critical Incident or Homicide
- Major Incident
Portable Body Worn Cameras (BWC) and Mobile Audio/Video (MAV) Recorders

• Use of Force
• Arrest of Individual (minimum data retention of four years)
• Citation
• Detention of Individual
• Search
• Crime (investigating any type of crime)
• Complaint (informal or formal)
• Confrontational encounter

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

Recordings relating to Internal Affairs Complaints (externally or internally generated) shall be retained in accordance with Penal Code § 832.5, or until the matter has been resolved, whichever is later.

Officer-Involved Critical Incident Data: All data concerning a critical incident shall be retained permanently. Major Incident Data shall initially be retained permanently, but during the first two weeks of every year, the Investigations Division Commander or his/her designee shall conduct an audit of all Major Incident Data. Any recordings that no longer need to be maintained permanently shall be re-tagged as Crime, allowing for removal after two years. Circumstances allowing for re-tagging could include the adjudication of the case or the statute of limitations being reached with no arrest or charges filed.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

All other recordings “Non-Evidentiary Data” should be retained for a period consistent with the requirements of the organization’s records retention schedule but in no event for a period less than 60 days after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule. (Penal Code § 832.18)

422.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS
All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person’s privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

422.11 TRAINING
All members who are authorized to use the BWC/MAV system shall successfully complete an approved course of instruction prior to its use.
Medical Marijuana

423.1 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.

423.1.1 DEFINITIONS
Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 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 California Department of Public Health 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 Code § 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 8 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) (Health and Safety Code § 11362.77).
423.2 POLICY
It is the policy of the Monterey Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California’s medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Monterey Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

423.3 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.

423.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM
In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

423.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER
A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.
(b) The card has been obtained or used by means of fraud.
(c) The person is otherwise in violation of the provisions of the MMP.
(d) The person possesses marijuana but not for personal medical purposes.
Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient’s medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

423.3.3 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).

423.3.4 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.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

423.3.5 EXCEPTIONS
This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.
(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).

423.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE
No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

423.4 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.

423.5 EVIDENCE SECTION (ADMINISTRATION DIVISION) SUPERVISOR RESPONSIBILITIES
The Evidence Section (Administration Division) supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Evidence Section (Administration Division) supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Section (Administration Division) supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Evidence Section (Administration Division) supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Division supervisor.
Bicycle Patrol

424.1 PURPOSE AND SCOPE
The Monterey Police Department has established the bicycle patrol 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.

424.2 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 with the approval of the watch commander 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 should be coordinated through the Watch Commander.

424.3 TRAINING
Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

424.4 UNIFORMS AND EQUIPMENT
Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

424.5 CARE AND USE OF PATROL BICYCLES
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
Bicycle Patrol

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.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

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.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

424.6 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.

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.
Foot Pursuits

425.1 PURPOSE AND SCOPE
This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

425.1.1 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.

425.2 DECISION TO PURSUE
The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.
Foot Pursuits

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

c) A canine search.

d) Thermal imaging or other sensing technology.

e) Air support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

425.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory

(b) The officer is acting alone.

c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.
Foot Pursuits

(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 members or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

425.4 RESPONSIBILITIES IN FOOT PURSUITS

425.4.1 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 initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel
(b) Call sign identifier
(c) Reason for the foot pursuit, such as the crime classification
(d) Number of suspects and description, to include name if known
(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.
Foot Pursuits

425.4.2 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.

425.4.3 SUPERVISOR RESPONSIBILITIES
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 foot 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-foot pursuit activity.

425.4.4 MONTEREY COUNTY EMERGENCY COMMUNICATIONS CENTER (DISPATCH)
Upon notification or becoming aware that a foot pursuit is in progress, the Officer should expect the following: :

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

425.5 REPORTING REQUIREMENTS
The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.
(b) Initial reason and circumstances surrounding the foot pursuit.
(c) Course and approximate distance of the foot pursuit.
(d) Alleged offenses.
(e) Involved vehicles and officers.
(f) Whether a suspect was apprehended as well as the means and methods used.
Foot Pursuits

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
   
   (g) Arrestee information, if applicable.
   (h) Any injuries and/or medical treatment.
   (i) Any property or equipment damage.
   (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

425.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.
Homeless Persons

426.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Monterey Police Department recognizes that members of the homeless community are often in need of special protection and services. The Monterey Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

426.1.1 POLICY
It is the policy of the Monterey Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

426.2 HOMELESS COMMUNITY LIAISON
The Chief of Police has designated the Community Action Team (CAT) supervisor to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
   1. Proper posting of notices of trespass and clean-up operations.
   2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present, or designate an officer to be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.
426.3 FIELD CONTACTS
Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

426.3.1 OTHER CONSIDERATIONS
Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
(b) Document places the homeless person may frequent.
(c) Provide homeless victims with victim/witness resources when appropriate.
(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

426.4 PERSONAL PROPERTY
The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be
taken to remove or secure the property. It will be the supervisor’s responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to coordinate an effort to address the matter in a timely fashion.

426.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT
Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

426.6 ECOLOGICAL ISSUES
Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification. In all instances such as this the officer shall notify the Homeless Liaison Officer, as soon as is practical.
Crisis Intervention Incidents

427.1 PURPOSE AND SCOPE
This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person’s mental state and intent in order to effectively and legally interact with the individual.

427.1.1 DEFINITIONS
Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person’s internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

427.2 POLICY
The Monterey Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department collaborates, where feasible, with mental health professionals and has participated in developing the Monterey County Law Enforcement / Mental Health Protocol to assist in guiding its members’ interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

427.3 SIGNS
Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness
(b) Threats of or attempted suicide
(c) Loss of memory
(d) Incoherence, disorientation or slow response
(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
(g) Social withdrawal
(h) Manic or impulsive behavior, extreme agitation, lack of control
(i) Lack of fear
(j) Anxiety, aggression, rigidity, inflexibility or paranoia
Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

427.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police has designated the Community Action Team Sergeant as the Mental Health Liaison to collaborate with mental health professionals to review and update the Monterey County Law Enforcement / Mental Health Protocol and ensure a robust educational process. The Mental Health Liaison will review and provide a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

427.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer’s authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

When officers interact with involved family members or other persons associated to those in crisis, officers are reminded to avoid making promises to family members or others that would suggest that a "special relationship" has been created. Officers should attempt to manage the concerned parties' expectations of on-scene law enforcement personnel.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person’s mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person’s actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

427.6 DE-ESCALATION
Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person’s name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person’s verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

427.7 INCIDENT ORIENTATION
When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:
Crisis Intervention Incidents

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

427.8 SUPERVISOR RESPONSIBILITIES
A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, if appropriate, and forward any related reports to the Mental Health Liaison.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

427.9 INCIDENT REPORTING
Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

427.9.1 DIVERSION
Individuals who are not being arrested for a criminal offense should be processed in accordance with the Mental Illness Commitments Policy.

427.10 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS
Professional Staff members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.
(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

427.11 EVALUATION
The Mental Health Liaison will coordinate the crisis intervention strategy for this department and will ensure that a thorough review and analysis of the department response to these incidents is conducted annually. Any reports generated, related to the review and analysis, will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

427.12 TRAINING
In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).
428.1 PURPOSE AND SCOPE
This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

428.2 POLICY
The Monterey Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

428.3 RECORDING LAW ENFORCEMENT ACTIVITY
Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
   1. Tampering with a witness or suspect.
   2. Inciting others to violate the law.
   3. Being so close to the activity as to present a clear safety hazard to the officers.
   4. Being so close to the activity as to interfere with an officer’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

428.4 OFFICER RESPONSE
Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or
behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

428.5 SUPERVISOR RESPONSIBILITIES
A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.
(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

428.6 SEIZING RECORDINGS AS EVIDENCE
Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
   1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
(c) The person consents.
   1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
   2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the
Public Recording of Law Enforcement Activity

Evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.
First Amendment Assemblies

429.1 PURPOSE AND SCOPE
This policy provides guidance for responding to public assemblies or demonstrations.

429.2 POLICY
The Monterey Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

429.3 GENERAL CONSIDERATIONS
Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.
(b) Harass, confront or intimidate participants.
(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members’ interaction with participants and their response to crowd dynamics is appropriate.
429.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS
Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

429.4 UNPLANNED EVENTS
When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Monterey County Emergency Communications Center (Dispatch), and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

429.5 PLANNED EVENT PREPARATION
For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

429.5.1 INFORMATION GATHERING AND ASSESSMENT
In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
First Amendment Assemblies

- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

429.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.
(b) Staffing and resource allocation.
(c) Management of criminal investigations.
(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
(e) Deployment of specialized resources.
(f) Event communications and interoperability in a multijurisdictional event.
(g) Liaison with demonstration leaders and external agencies.
(h) Liaison with City government and legal staff.
(i) Media relations.
(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
(k) Traffic management plans.
(l) First aid and emergency medical service provider availability.
(m) Prisoner transport and detention.
(n) Review of policies regarding public assemblies and use of force in crowd control.
(o) Parameters for declaring an unlawful assembly.
(p) Arrest protocol, including management of mass arrests.
(q) Protocol for recording information flow and decisions.
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(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

429.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

429.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS
If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

429.7 USE OF FORCE
Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants’ conduct reasonably appears to present the potential to
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harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

429.8 ARRESTS
The Monterey Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.
(b) Dedicated arrest, booking and report writing teams.
(c) Timely access to medical care.
(d) Timely access to legal resources.
(e) Timely processing of arrestees.
(f) Full accountability for arrestees and evidence.
(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

429.9 MEDIA RELATIONS
The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

429.9.1 MEDIA ACCESS
If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment,
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Officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

429.10 DEMOBILIZATION
When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

429.11 POST EVENT
The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan
(b) Any incident logs
(c) Any assignment logs
(d) Vehicle, fuel, equipment and supply records
(e) Incident, arrest, use of force, injury and property damage reports
(f) Photographs, audio/video recordings, Monterey County Emergency Communications Center (Dispatch) records/tapes
(g) Media accounts (print and broadcast media)

429.11.1 AFTER-ACTION REPORTING
The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event
(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
(c) Problems identified
(d) Significant events
(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

429.12 TRAINING
Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.
429.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

(a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.

(b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.

(c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.

(d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.

(e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.

(f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.

(g) An objectively reasonable effort has been made to extract individuals in distress.

(h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.

(i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

(j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
   1. A violation of an imposed curfew.
   2. A verbal threat.
   3. Noncompliance with a law enforcement directive.

(k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

429.13.1 USE SUMMARY

The Patrol Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared

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and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

429.14 ANTI-REPRODUCTIVE RIGHTS CALLS
Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).
Civil Disputes

430.1 PURPOSE AND SCOPE
This policy provides members of the Monterey Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

430.2 POLICY
The Monterey Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

430.3 GENERAL CONSIDERATIONS
When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.
Civil Disputes

430.4 COURT ORDERS
Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person’s knowledge of the court order or whether proof of service exists.
(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

430.4.1 STANDBY REQUESTS
Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

430.5 VEHICLES AND PERSONAL PROPERTY
Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

430.6 REAL PROPERTY
Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.
Suspicious Activity Reporting

431.1 PURPOSE AND SCOPE
This policy provides guidelines for reporting and investigating suspicious and criminal activity.

431.1.1 DEFINITIONS
Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., “dry run,” creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

431.2 POLICY
The Monterey Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

431.3 RESPONSIBILITIES
The Investigations/Special Operations Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigations/Special Operations Division Commander include, but are not limited to:
Suspicious Activity Reporting

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

431.4 REPORTING AND INVESTIGATION
Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any professional staff member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

431.5 HANDLING INFORMATION
The Records Section will forward copies of SARs, in a timely manner, to the following:

- Investigations Division supervisor
- Crime Analysis Unit
- Other authorized designees
Medical Aid and Response

432.1 PURPOSE AND SCOPE
This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

432.2 POLICY
It is the policy of the Monterey Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

432.3 FIRST RESPONDING MEMBER RESPONSIBILITIES
Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Monterey County Emergency Communications Center (Dispatch) and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Monterey County Emergency Communications Center (Dispatch) with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.
(b) The nature of the incident.
(c) Any known scene hazards.
(d) Information on the person in need of EMS, such as:
   1. Signs and symptoms as observed by the member.
   2. Changes in apparent condition.
   3. Number of patients, sex, and age, if known.
   4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
   5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.
Medical Aid and Response

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS. Members should not direct EMS personnel whether to transport the person for treatment.

432.4 TRANSPORTING ILL AND INJURED PERSONS
Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

432.5 PERSONS REFUSING EMS CARE
If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

432.6 MEDICAL ATTENTION RELATED TO USE OF FORCE
Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.
432.7 AIR AMBULANCE
Generally, when on-scene, EMS/Fire personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Fire Department in conjunction with County EMS should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Departments should identify:

• Responsibility and authority for designating a landing zone and determining the size of the landing zone.
• Responsibility for securing the area and maintaining that security once the landing zone is identified.
• Consideration of the air ambulance provider’s minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
• Consideration of the air ambulance provider’s minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
• Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
• Procedures for ground personnel to communicate with flight personnel during the operation.

Department members at the scene may be requested to assist with Air Ambulance landings. One department member should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

• Never approach the aircraft until signaled by the flight crew.
• Always approach the aircraft from the front.
• Avoid the aircraft’s tail rotor area.
• Wear eye protection during landing and take-off.
• Do not carry or hold items, such as IV bags, above the head.
• Ensure that no one smokes near the aircraft.

432.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE
A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).
432.8.1 AED USER RESPONSIBILITY
Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Personnel/IA Sergeant (Training) who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Monterey County Emergency Communications Center (Dispatch) as soon as possible and request response by EMS.

432.8.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

432.8.3 AED TRAINING AND MAINTENANCE
The Personnel/IA Sergeant (Training) should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Personnel/IA Sergeant (Training) is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

432.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION
Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

See attachment: Monterey County Policy 4512 Law Enforcement Naloxone Monterey County.pdf

432.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES
Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Personnel/IA Sergeant (Training).

Any member who administers an opioid overdose medication should contact Monterey County Emergency Communications Center (Dispatch) as soon as possible and request response by EMS.

432.9.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication shall complete the following:

- Document the administration of the opioid overdose medication in a police report.
- Book the device used to administer the medication into evidence for destruction.
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- Complete the Narcan use form. This form shall be forwarded to the Monterey County EMS (Emergency Medical Services) Agency within 48 hours, and a copy attached to the police report.

The Personnel/IA Sergeant (Training) will ensure that the Police Records/Detention Supervisor is provided enough information to meet applicable state reporting requirements.

432.9.3 OPIOID OVERDOSE MEDICATION TRAINING
The Personnel/IA Sergeant (Training) should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

432.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION
The Personnel/IA Sergeant (Training) shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

432.9.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT
Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

432.10 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS
The Patrol Division Commander may authorize the acquisition of epinephrine auto-injectors for use by Department members as provided by Health and Safety Code § 1797.197a. The Personnel/IA Sergeant (Training) shall create and maintain an operations plan for the storage, maintenance, use and disposal of epinephrine auto-injectors as required by Health and Safety Code § 1797.197a(f).

Trained members who possess valid certification may administer an epinephrine auto-injector for suspected anaphylaxis (Health and Safety Code § 1797.197a(b); 22 CCR 100019).

432.10.1 EPINEPHRINE USER RESPONSIBILITIES
Members should handle, store and administer epinephrine auto-injectors consistent with their training and the Department operations plan. Members should check the auto-injectors at the beginning of their shift to ensure the medication is not expired. Any expired medication should be removed from service in accordance with the Department Operations Plan.

Any member who administers an epinephrine auto-injector medication should contact Monterey County Emergency Communications Center (Dispatch) as soon as possible and request response by EMS (Health and Safety Code § 1797.197a(b)).

432.10.2 EPINEPHRINE AUTO-INJECTOR REPORTING
Any member who administers an epinephrine auto-injector should detail its use in an appropriate report.
The Personnel/IA Sergeant (Training) should ensure that the Police Records/Detention Supervisor is provided enough information for required reporting to the EMS Authority within 30 days after each use (Health and Safety Code § 1797.197a(f)).

Records regarding the acquisition and disposition of epinephrine auto-injectors shall be maintained pursuant to the established records retention schedule but no less than three years (Business and Professions Code § 4119.4(d)).

432.10.3 EPINEPHRINE AUTO-INJECTOR TRAINING
The Personnel/IA Sergeant (Training) should ensure that members authorized to administer epinephrine auto-injectors are provided with initial and refresher training that meets the requirements of Health and Safety Code § 1797.197a(c) and 22 CCR 100019.

432.11 SICK OR INJURED ARRESTEE
If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.

432.12 FIRST AID TRAINING
The Personnel/IA Sergeant (Training) should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).
Automated License Plate Readers (ALPRs)

433.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

433.2 POLICY
The policy of the Monterey Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public. All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

433.3 ADMINISTRATION
The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Monterey Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Division Commander. The Administration Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

433.3.1 ALPR ADMINISTRATOR
The Administration Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
(b) Training requirements for authorized users.
(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
(e) The title and name of the current designee in overseeing the ALPR operation.
(f) Working with the Custodian of Records on the retention and destruction of ALPR data.
Automated License Plate Readers (ALPRs)

(g) Ensuring this policy and related procedures are conspicuously posted on the department’s website.

433.4 OPERATIONS
Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

(f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

433.5 DATA COLLECTION AND RETENTION
The Administration Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

433.6 ACCOUNTABILITY
All data will be closely safeguarded and protected by both procedural and technological means. The Monterey Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):
Automated License Plate Readers (ALPRs)

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

433.7 RELEASING ALPR DATA
The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:
   1. The name of the agency.
   2. The name of the person requesting.
   3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Administration Division Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

433.8 TRAINING
The Personnel/IA Sergeant (Training) should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).
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 (Traffic Enforcement Index) but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT
Several factors are considered in the development of deployment schedules for officers of the Monterey Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT
Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 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:
Traffic Function and Responsibility

500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS
Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge
(b) Court appearance procedure including the optional or mandatory appearance by the motorist
(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter
(b) Felony and misdemeanor driving under the influence of alcohol/drugs
(c) Felony or misdemeanor hit-and-run
(d) Refusal to sign notice to appear
(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS
The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).
Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE
Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.
Traffic Collision Reporting

501.1 PURPOSE AND SCOPE
The Monterey 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.

501.2 RESPONSIBILITY
The Patrol Commander is responsible for working with the Personnel/IA (Training) Sergeant to ensure adequate training and updates are made available to all personnel on the Collision Investigation Manual. All Sergeants will ensure conformity with this policy.

501.3 TRAFFIC COLLISION REPORTING
All traffic collision reports taken by members of this department shall be forwarded for approval and data entry into the Records Management System. The Department Analyst will coordinate and be responsible for monthly reports on traffic collision statistics which can include directing personnel to access web-based technologies that can be queried by all personnel including the Patrol Division Commander.

501.4 REPORTING SITUATIONS
501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES
Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the sections titled, Fleet Safety and Collision Investigation.

See attachment: 5010-Collision-Investigation-Prior 8703.pdf

See attachment: 5011 Fleet Safety Prior 0802.pdf

501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Monterey Police Department resulting in a serious injury or fatality, the Patrol Lieutenant or the Watch Commander, shall request assistance from the California Highway Patrol. If they are not available, assistance may be requested from another allied agency.

The term serious injury is defined as any injury that may result in a fatality.
Traffic Collision Reporting

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Patrol Lieutenant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
In compliance with the Collision Investigation Manual, a short form 555.03 traffic collision report may be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, a Vehicle Code violation, or at the direction of a supervisor.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision
(b) When a report is demanded by any involved driver

501.5 NOTIFICATIONS AND ASSIGNMENT
In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Patrol Commander to relate the circumstances of the traffic collision. Any supervisor may assign an accident investigator or traffic officer to investigate a traffic collision.
Vehicle Towing and Release

502.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the Monterey Police Department. If a member of the Monterey Police Department orders the towing of any vehicle, photographs of the towed vehicle shall be taken and included in the case file. Nothing in this policy shall require the Department to tow a vehicle.

502.2 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.

502.2.1 VEHICLE STORAGE REPORT
Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to be given to the tow truck operator and the original shall be submitted to the Records Section as soon as practicable after the vehicle is stored.

502.2.2 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 by the Monterey County Emergency Communications Center (Dispatch).

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 use the rotational tow list for the City of Monterey. The officer will then store the vehicle using a CHP Form 180.

502.2.3 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:

- 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.

502.2.4 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.

502.2.5 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.

502.2.6 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.
Vehicle Towing and Release

502.2.7 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 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)). Records shall retain a copy of this notice and attach it to the police report. 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, in writing, or by telephone within 10 days of the date appearing on the notice.

502.3 TOWING SERVICES
The City of Monterey periodically selects firm(s) to act as the official tow service(s) and awards a contract to that firm(s). The firm(s) will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

502.4 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. Photos of stored vehicles shall be taken and attached to the case file.
Vehicle Towing and Release

502.5 SECURITY OF VEHICLES AND PROPERTY
Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6 RELEASE OF VEHICLE
The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver’s license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver’s license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
2. If the driver reinstates his/her driver’s license or acquires a license and provides proof of proper insurance.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without
requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.
Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE
This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING
When a vehicle is stored or impounded by any member of the Monterey Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.2.1 HEARING PROCEDURES
The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The on-duty Patrol Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations
Vehicle Impound Hearings

where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department’s policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department’s expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

503.2.2 SUPERVISOR REPORTING

The Supervisor conducting the hearing shall document the result of the Impound Hearing as a Supplemental Information Report to the original Case Report. A copy of the report shall be forwarded to the Patrol Division Commander and retained per the City Retention Schedule.

A log of all hearings shall be maintained by the Patrol Division Commander.
Impaired Driving

504.1 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).

504.2 POLICY
The Monterey 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.

504.3 INVESTIGATIONS
Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Commander or their designee will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.
(b) The officer’s observations that indicate impairment on the part of the individual, and the officer’s health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
(d) Information about any audio and/or video recording of the individual’s driving or subsequent actions.
(e) The location and time frame of the individual’s vehicle operation and how this was determined.
(f) Any prior related convictions in California or another jurisdiction.

504.4 FIELD TESTS
The Patrol Lieutenant, or their designee should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS
A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):
Impaired Driving

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person 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)).

504.5.2 BREATH SAMPLES

The Patrol Lieutenant, or their designee 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 Patrol Lieutenant.

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).
Impaired Driving

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)).

504.5.3 BLOOD SAMPLES
Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.4 URINE SAMPLES
If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee’s dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

504.5.5 STATUTORY NOTIFICATIONS
Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.5.6 PRELIMINARY ALCOHOL SCREENING
Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person 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 the person’s obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).
Impaired Driving

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Use of the Evidential Portable Alcohol Screening System (EPAS).

See attachment: 5040 Use of the Evidential Portable Alcohol System Prior 0405.pdf

504.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21
If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's 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).

504.6 REFUSALS
When an arrestee refuses to provide a viable chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
(b) Audio- and/or video-record the admonishment when it is practicable.
(c) Document the refusal in the appropriate report.

504.6.1 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code § 1524).
(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 FORCED BLOOD SAMPLE
If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer shall request a supervisor to respond. Absent a warrant, forced misdemeanor blood draws are prohibited.

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 the person’s duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

(a) Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

(b) In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

(c) In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL
Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.7 RECORDS SECTION RESPONSIBILITIES
The Police Records/Detention Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

504.8 ADMINISTRATIVE HEARINGS
The Police Records/Detention Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.
504.9 TRAINING
The Personnel/IA Sergeant (Training) 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 Personnel/IA Sergeant (Training) should confer with the Patrol Commander and prosecuting attorney's office and update training topics as needed.

504.10 ARREST AND INVESTIGATION

504.10.1 WARRANTLESS ARREST
In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic crash.
(b) The person is observed in or about a vehicle that is obstructing the roadway.
(c) The person will not be apprehended unless immediately arrested.
(d) The person may cause injury to themselves or damage property unless immediately arrested.
(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.10.2 OFFICER RESPONSIBILITIES
The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.
Traffic Citations

505.1 PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES
The Patrol Division Commander shall work with the Police Records/Detention Supervisor (PRDS) and be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

505.3 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 Patrol Division Commander to recommend dismissal of the traffic citation. The requesting sergeant shall prepare a memorandum and transmittal form with his or her recommendation and forward to the Patrol Division Commander. The Patrol Division Commander will forward the memorandum & transmittal with their recommendation through the Chain of Command to the Assistant Chief of Police. If approved, a Department Letter will be drafted requesting the Court to dismiss the citation. The Department letter and citation will be forwarded to the appropriate court. Close attention to date/timelines shall be observed to ensure the process does not exceed the court date information. 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. A memorandum and transmittal shall be completed regarding the circumstance of the dismissal and be forward through the chain of command to the Assistant Police Chief for review. The Assistant Chief shall ensure that all requests for dismissals are retained in compliance with the Retention Policy.

505.4 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
Traffic Citations

the voiding of the citation. The citation and copies shall then be forwarded to Support Services for filing.

505.5 CORRECTION OF TRAFFIC CITATIONS
When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a Citation Amendment Form to the Watch Commander. The citation and amendment form shall then be forwarded to Support Services. Support Services will mail the amendment to the recipient of the citation and file the amendment with the court having jurisdiction.

505.6 DISPOSITION OF TRAFFIC CITATIONS
The court and file copies of all traffic citations issued by members of this department shall be forwarded to the Watch Commander for review. The citation copies shall then be filed with Support Services.

Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Administration Division Commander.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE
Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

505.7.1 APPEAL STAGES
Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

(a) Administrative reviews are conducted by the Traffic Bureau who will review written/ documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Monterey Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

505.7.2 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; Vehicle Code § 40210).

505.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

(c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

505.8 VEHICLE CODE EQUIPMENT VIOLATION SIGN OFF

It shall be the policy of the Department that Police Officers, Police Services Technicians and Community Service Officers shall have the authority to certify the correction of equipment violations of the California Vehicle Code (CVC) issued on a Notice to Appear form by any California law enforcement agency.

The authority to certify the correction of an equipment violation is pursuant to CVC Section 40616(c), which states, in part:

- "Any person willfully violating a written promise to correct or willfully failing to deliver proof of correction of violation is guilty of a misdemeanor. Proof of correction may consist of a certification by an authorized representative of one of the following agencies that the alleged violation has been corrected:

- (c) Any violation may be certified as corrected by a police department, the California Highway Patrol, sheriff, marshal, or other law enforcement agency regularly engaged in enforcement of the Vehicle Code."

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Vehicle Code Equipment Violation Sign Off.

See attachment: 5050 Vehicle Code Equipment Violation Sign Off Prior 0205.pdf
Disabled Vehicles

506.1 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.

506.2 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.

506.3 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.

506.3.1 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.

506.3.2 RELOCATION OF DISABLED VEHICLES
The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF DISABLED MOTORIST
The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her a reasonable distance or to a safe area to await pickup.

506.4 PUBLIC ACCESS TO THIS POLICY
This written policy is available upon request.
Abandoned Vehicles

507.1 PURPOSE AND SCOPE
This policy provides procedures for the marking, recording, and storage of vehicles that are:

- Abandoned Vehicles
  - §22669(a) CVC authorizes the abatement of a vehicle when the officer has reasonable grounds to believe that a vehicle has been abandoned, as determined pursuant to §22523 CVC. When a vehicle is abated pursuant to the procedures and requirements set forth in Monterey City Code Chapter 20, Article 11 - Abandoned, Wrecked, or Dismantled Vehicles, several requirements shall be followed. One such requirement is that, prior to removal, the registered and legal owners must be sent a Notice of Intention to Abate letter by certified mail and a subsequent 10-day period must elapse.

- Parked on a street for storage in violation of the Monterey City Ordinance regulating 72-hour parking violations
  - §22651(k) CVC authorizes the City to establish Monterey City Code §20-72 - Use of streets for storage of vehicles prohibited, which relates, “No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of 72 hours.”

Members will follow the procedure described in the MPD Procedure Manual Removal of Abandoned Vehicles from Public or Private Property, which relates that removal for 72-hour parking violations, per MCC §20-72 will only be used in exceptional circumstances and with the approval of the Watch Commander.

See attachment: 5070 Removal of Abandoned Veh Prior Dir 0404.pdf

507.2 MARKING VEHICLES
It is the responsibility of all Officers to enforce abandoned vehicle violations. Vehicles suspected of being in violation of the Abandoned Vehicle Ordinance or 72-hour storage violation, shall be marked and noted on the Monterey Police Department - Vehicle WARNING Notice. No case number is required at the time the Vehicle WARNING Notice is filled out. The back copy of the WARNING form should be placed on the vehicle.

A visible chalk mark should be placed on the left rear tire sidewall at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Vehicle WARNING Notice. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

The top copy of all Vehicle WARNING Notices, with an attached CLETS printout of the vehicle’s registration/owner information, shall be submitted to the Watch Commander for approval. The
Abandoned Vehicles

Watch Commander will forward the Warning Notice to Records for computer data entry, unless the vehicle will be towed as a 72-hour parking violation. If the vehicle will potentially be towed as a violation of the 72-hour violation, the Watch Commander will submit the WARNING notice to the Abandoned Vehicle Abatement Coordinator and send him/her an email noting such.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

507.2.1 MARKED VEHICLE FILE
The Patrol Division Commander shall assign an employee to be the Abandoned Vehicle Abatement Coordinator who will maintain the Abandoned Vehicle File.

507.2.2 VEHICLE STORAGE
Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage (CHP 180) report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form (CHP 180) shall be submitted to the Records Section immediately following the storage of the vehicle. It shall be the responsibility of the Records Section to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d). The Records Section shall document in the case file that the notice was sent.
Chapter 6 - Investigation Operations
Investigation and Prosecution

600.1 PURPOSE AND SCOPE
The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

In an effort to assist in the investigation of Violent Crime, The Monterey Police Department is a participant in the Peninsula Regional Violence Narcotics Team (PRVNT).

See attachment: 11-01-12 PRVNT Signed MOU.pdf
See attachment: MOU between NGCA CDTF PRVNT 2016.pdf
See attachment: MCCLEOA Entry in Other Jurisdictions 1997.pdf

600.2 POLICY
It is the policy of the Monterey Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS
Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.3.1 AUDIO/VIDEO RECORDINGS
Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio and or video) in its entirety. Regardless of where the interrogation occurs, officers shall make every reasonable effort to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Division Commander or their designee. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.
600.3.2 MANDATORY RECORDING OF ADULTS
Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.4 INITIAL INVESTIGATION

600.4.1 OFFICER RESPONSIBILITIES
An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
   1. An initial statement from any witnesses or complainants.
   2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:
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1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.

2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.

3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.

4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.

5. Collect any evidence.

6. Take any appropriate law enforcement action.

7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4.2 PROFESSIONAL STAFF MEMBER RESPONSIBILITIES

A non-sworn professional staff member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
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(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

(g) Investigations are multi-faceted and other factors may be considered by the Investigations Supervisor to determine if a case should be discontinued for other reasons. Other factors the Investigations Supervisor should consider include; the type of crime, the seriousness of the crime, the circumstances surrounding the crime, lack of cooperation by the victim; staffing and demands of investigating other higher-priority cases, and other articulable factors. If the Investigations Supervisor desires to discontinue investigating a case in this category, the Investigations Supervisor shall submit the case to the Investigations Commander who will make the final determination as to whether the case shall be closed. The Investigations Supervisor will document the reasons for the closure and which Investigations Commander authorized the closure.

The Domestic Violence, Child Abuse Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

**600.6 COMPUTERS AND DIGITAL EVIDENCE**
The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

**600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**
Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).
600.7.1 ACCESS RESTRICTIONS
Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY
The Investigations/Special Operations Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:

1. The purposes for which using cellular communications interception technology and collecting information is authorized.

2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
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3. Training requirements necessary for those authorized employees.

4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.

5. Process and time period system audits.

6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.

7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.

8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department’s usage and privacy procedures and all applicable laws.

600.10 POLYGRAPH EXAMINATIONS

It shall be the policy of this department to employ the polygraph as an investigative tool in those instances where it has been determined to have potential value in discovering additional investigative leads than exist at the time and where the examinee has voluntarily agreed to submit to the examination.

No member of this department shall knowingly violate section 637.4 of the Penal Code, which states in part:

"No State or local governmental agency involved in the investigation or prosecution of crimes, or any employee thereof, shall require or request any complaining witness, in a case involving the use of force, violence, duress, menace, or threat of great bodily harm in the commission of any sex offense, to submit to a polygraph examination as a prerequisite to filing an accusatory pleading."

600.10.1 PROCEDURES

All requests for polygraph examinations will be made through the Investigations Sergeant and approved by the Investigations Lieutenant.

In any case where a polygraph examination is conducted for this Department, the polygraph examiner will be asked to prepare a report giving the facts surrounding the examination, the type of offense under investigation, and a summary of the results. The polygraph report will be made a part of the original case report.
The Investigations Lieutenant or, in his/her absence, the Investigations Sergeant shall arrange for a qualified polygrapher in the event the Department of Justice is unable to provide the service. Authorization of a polygraph examination will be given only when the following conditions have been met:

1. All reasonable leads have been investigated, the subject has been interviewed, and the development of additional leads is essential and contemporaneous in furthering the case.
2. There is reasonable cause to believe that the examinee has knowledge of, or was involved in the perpetration of, the matter under investigation.
3. The investigator is able to articulate the following facts that pertain to the matter under investigation:
   a. Specific articles and exact amounts of money stolen.
   b. The exact time of commission, if known.
   c. Peculiar aspects of the offense or any obscene or strange acts committed at the scene.
   d. Facts known about suspect's actions or movements.
   e. Facts known about any connection between suspects, victims, and witnesses, even when denied.
   f. Exact type of any weapon, instrument, or tool used.
   g. Results of any laboratory tests conducted.
   h. Background information on all persons involved.

**600.11 CASE MANAGEMENT**

A. Case Forwarding Procedure

Forward all written reports to Investigations for review.

1. Excluded cases include: DUI's, 647(f) PC reports, traffic accidents, alarms, animal cases, misdemeanor crimes with suspects in custody and no investigative follow-up required.
2. This does not alter the follow-up responsibilities of the initial responding officer.

B. The Investigations supervisor is responsible for reviewing all reports and determining whether a written progress review (supplemental) shall be submitted based on the case priority until a case status is determined. Supplemental due dates may be extended by an Investigations supervisor for unusual circumstances and noted in the Case Management Tracking System.

1. Priority One – Every Fifteen days
   a. All felony cases involving death, serious, injury, sexual abuse/assault.
   b. Missing persons as indicated in the *Missing Persons Policy*. 

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c. Any crime which involves an arrestee, wherein additional evidence/information is required prior to arraignment.

d. Any case, the circumstances of which demand immediate investigation.

2. Priority Two – every thirty days

a. All cases with sufficient solvability factors to warrant continuation.

b. Any case with physical evidence to be examined, evaluated or processed that may produce additional leads.

3. Priority Three – none, unless reportable action taken

Any case, the circumstances of which needs victim contact or re-review by an investigator, as determined by an Investigations supervisor.

C. Case Management Responsibilities

A. Investigations Lieutenant

1. Review/compile all pertinent statistics relating to follow-up investigations as needed, to ensure procedures remain constant.

2. Assume Investigations Sergeant’s responsibilities if necessary.

B. Investigations Sergeant

1. Review all reports submitted for action.

2. Determine if further action is necessary (refer to Discontinuance of Investigations, section 600.5).

3. Categorize case to priority.

4. Assign to a specific investigator.

5. Ensure all follow-up due dates are on schedule.

6. Upon return of cases from investigators, determine if case is to be closed or suspended.

7. Record all pertinent information in the Case Management Tracking System.


C. Investigator

1. Upon receiving a case, review and note which category the case was assigned and proceed accordingly.

2. Make every effort to meet follow-up due dates or explain extension request.

3. After all follow-up requests are completed or leads exhausted/attained, determine if the case can be closed.
Investigation and Prosecution

a. Make appropriate victim notifications.

b. Copy requests to Records for submission to DA, Court, etc.

c. Return case to Investigations Sergeant for review.

600.12 USE OF CERTAIN DNA SAMPLES
Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.13 ANTI-REPRODUCTIVE RIGHTS CRIMES
A member should take a report any time a person living within the jurisdiction of the Monterey Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

(a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).

(b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigations Division supervisor should provide the Police Records/Detention Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Section Policy for additional guidance.
Sexual Assault Investigations

601.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child and Dependent Adult Safety policies.

See attachment: Monterey Rape Crisis Operational Agreement 08-18-16.PDF
See attachment: SART Protocol 2020-compressed.pdf
See attachment: SART Protocol Appen 2020 -compressed.pdf

601.1.1 DEFINITIONS
Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY
It is the policy of the Monterey Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community. If the officer discovers after being dispatched that the crime occurred in another jurisdiction, the reporting officer shall contact that jurisdiction and facilitate the reporting to the proper jurisdiction. If the jurisdiction cannot be established at the time of the original report, the officer will take the report just as if it occurred in the jurisdiction of the Monterey Police Department. It will be the responsibility of the follow up investigator to confirm or identify the proper jurisdiction. If the sexual assault is reported by telephone from another police jurisdiction and it is not practical to either go to the victims location or have the victim return, the officer may take the initial report over the telephone. Explain to the victim that you will be requesting assistance from the reporting jurisdiction. After contacting your supervisor it may be appropriate to request assistance from the jurisdiction where the victim is located to complete any necessary immediate investigative efforts such as a SART exam. The supervisor shall notify the Investigation Division Supervisor for further assistance with the investigation.
Sexual Assault Investigations

It is the responsibility of all officers to read and become familiar with the Monterey County Sexual Assault Response Team Protocol which is linked to this policy manual under the section entitled "County Protocols".

601.3 QUALIFIED INVESTIGATORS
Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.

601.4 REPORTING
In all reported or suspected cases of sexual assault, a report shall be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated. In all cases of a reported sexual assault the field officer shall notify their supervisor and the Investigations Division Commander as soon as practical.

601.5 RELEASING INFORMATION TO THE PUBLIC
In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6 TRAINING
Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:
   1. Initial response to sexual assaults.
   2. Legal issues.
   3. Victim advocacy.
   4. Victim’s response to trauma.
5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

   (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
   1. Interviewing sexual assault victims.
   2. SART.
   3. Medical and legal aspects of sexual assault investigations.
   4. Serial crimes investigations.
   5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
   6. Techniques for communicating with victims to minimize trauma.

601.7 VICTIM INTERVIEWS
The primary considerations in sexual assault investigations, which begin with the initial call to Monterey County Emergency Communications Center (Dispatch), should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.7.1 VICTIM RIGHTS
Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

   (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim’s choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
Sexual Assault Investigations

(b) If the victim is transported to a hospital for any medical evidentiary or physical
examination, the officer shall immediately cause the local rape victim counseling
center to be notified (Penal Code § 264.2).

1. The officer shall not discourage a victim from receiving a medical evidentiary or
physical examination (Penal Code § 679.04).

2. A support person may be excluded from the examination by the officer or the
medical provider if the support person's presence would be detrimental to the
purpose of the examination (Penal Code § 264.2).

601.7.2 VICTIM CONFIDENTIALITY
Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the
victim’s parent or guardian if the victim is a minor, that his/her name will become a matter of public
record unless the victim requests that his/her name not be made public. The reporting officer shall
document in his/her report that the victim was properly informed and shall include any related
response made by the victim, or if a minor, any response made by the victim’s parent or guardian
(Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of
any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE
Whenever possible, a SART member should be involved in the collection of forensic evidence
from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should
be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from
the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases,
including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be
investigated, or wish to remain anonymous may still consent to the collection of evidence under
their control. In these circumstances, the evidence should be collected and stored appropriately.

601.8.1 COLLECTION AND TESTING REQUIREMENTS
Members investigating a sexual assault offense should take every reasonable step to ensure
that DNA testing of such evidence is performed in a timely manner and within the time periods
prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days
after being booked into evidence (Penal Code § 680). The Investigations Division Supervisor shall
ensure that all SAFE kit evidence is submitted to DOJ.

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual
assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has
Sexual Assault Investigations

been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Sexual assault victims shall further have the following rights (Penal Code § 680):

1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.

4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

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 or expected to release any information which might impede or compromise any ongoing investigation.

601.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT
The Evidence Section (Administration Division) supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

601.8.4 COLLECTION OF DNA REFERENCE SAMPLES
Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

601.9 DISPOSITION OF CASES
If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Division Commander. Classification of a sexual assault case as unfounded requires the Investigations Division Commander to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.10 CASE REVIEW
The Investigations Division supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:
Sexual Assault Investigations

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.
Asset Forfeiture

602.1 PURPOSE AND SCOPE
This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS
Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Monterey Police Department seizes property for forfeiture or when the Monterey Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Health and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.

2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.

3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.

4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.

5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.
Asset Forfeiture

(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY
The Monterey Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person’s due process rights.

It is the policy of the Monterey Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET SEIZURE
Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE
The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.

2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).
Asset Forfeiture

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel’s current minimum forfeiture thresholds should not be seized.

(b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

(c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect’s immediate family (Health and Safety Code § 11470).

(d) Vehicles, boats or airplanes owned by an “innocent owner,” such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

(e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

602.3.3 SEIZED VEHICLES
Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS
When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
Asset Forfeiture

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items. Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY
The Evidence Section (Administration Division) Supervisor (Police Records/Detention Supervisor - PRDS) is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.6 FORFEITURE REVIEWER
The Chief of Police has designated the Investigation Division Commander as the forfeiture reviewer. The Investigation Division Commander is responsible for coordinating all aspects of the forfeiture process.

Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer and any employee involved in the forfeiture process shall attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
Asset Forfeiture

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.

2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).

3. A space for the signature of the person from whom cash or property is being seized.

4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.

2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.

3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
Asset Forfeiture

4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).

5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.

6. Any cash received is deposited with the fiscal agent.

7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.

8. Current minimum forfeiture thresholds are communicated appropriately to officers.

9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department’s regular inventory is in accordance with all applicable laws and consistent with the department’s use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

602.7 DISPOSITION OF FORFEITED PROPERTY
Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer’s employment or salary depend upon the level of seizures or forfeitures he/she achieves (Health and Safety Code § 11469).
Asset Forfeiture

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

602.7.1 RECEIVING EQUITABLE SHARES
When participating in a joint investigation with a federal agency, the Monterey Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

602.8 CLAIM INVESTIGATIONS
An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).
Informants

603.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS
Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Monterey Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Monterey Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY
The Monterey Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL
Before using an individual as an informant the officer shall complete the Informant Policy File System Procedure, compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility. All informants must receive final approval by the Investigations Division Commander prior to use. All officers shall receive approval from the Investigations Division Supervisor and his/her supervisor prior to working with an informant.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS
The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians
(b) The juvenile’s attorney, if any
(c) The court in which the juvenile’s case is being handled, if applicable (Penal Code § 701.5)
Informants

(d) The Chief of Police or the authorized designee

603.3.3 INFORMANT AGREEMENTS
All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by the Investigations Division Commander or their designee, before being finalized with the informant.

603.4 INFORMANT INTEGRITY
To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Investigations / PRVNT supervisor or their authorized designees.
   1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Monterey Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.
   1. Members shall not become intimately involved with an informant.
   2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Investigations / PRVNT supervisor.
   3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Investigations / PRVNT supervisor.
   (a) Officers may meet informants alone in an occupied public place, such as a restaurant, only after informing and receiving permission from a supervisor.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.
Informants

603.4.1 UNSUITEABLE INFORMANTS
The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by the Investigations Division Commander or their designee, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.
(b) The informant behaves in a way that may endanger the safety of an officer.
(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES
Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigations / PRVNT. The Investigations / PRVNT supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Investigations / PRVNT supervisor or their authorized designees.

The Investigations/Special Operations Division Commander should arrange for an audit of all informant files on a periodic basis, but no less than two times per year. If the Investigations / PRVNT supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.
603.5.1 FILE SYSTEM PROCEDURE
A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases
(b) Date of birth
(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
(d) Photograph
(e) Current home address and telephone numbers
(f) Current employers, positions, addresses and telephone numbers
(g) Vehicles owned and registration information
(h) Places frequented
(i) Briefs of information provided by the informant and his/her subsequent reliability
   1. If an informant is determined to be unsuitable, the informant’s file is to be marked “unsuitable” and notations included detailing the issues that caused this classification.
(j) Name of the officer initiating use of the informant
(k) Signed informant agreement
(l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS
No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Investigations / PRVNT supervisor will discuss the above factors with the Investigations Division Commander and recommend the type and level of payment.

603.6.1 PAYMENT PROCESS
Approved payments to an informant should be in cash using the following process:
(a) Payments of $1,000 and under may be paid in cash from either the Investigations or PRVNT buy/expense funds.
   1. The Investigations / PRVNT supervisor is authorized and shall sign the voucher for cash payouts from either buy/expense fund.
(b) Payments over $1,000 shall be made from either the Investigations or PRVNT buy/expense funds.
   1. In all cases a written statement shall list the case numbers related to and supporting the payment and signed by a command officer.
   2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
   3. The officers statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
   4. Authorization signatures from the Chief of Police are required for disbursement of funds over $1,000.
(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
   1. The cash transfer form shall include the following:
      (a) Date
      (b) Payment amount
      (c) Monterey Police Department case number
      (d) Informant Identification Number
      (e) A statement that the informant is receiving funds in payment for information voluntarily rendered.
   2. The cash transfer form shall be signed by both witnessing officers.
   3. A copy of the cash transfer form will be kept in the informant's file.
   4. Two officers shall be present to witness the payment and their names and agency will be noted in the paperwork.

603.6.2 REPORTING OF PAYMENTS
Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.
In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement
of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

603.6.3 AUDIT OF PAYMENTS
The Investigations Commander or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Investigation Division Commander shall in conjunction with an outside third party (i.e., professional consultant, City Finance Department, etc.) conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will be included as part of the audit process. No forms with the informants identifying information should be a part of the audit.
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 Monterey 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
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 Division Commander shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.
Eyewitness Identification

(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.

See attachment: Photo and In-Person Line-Up Report 11-27-17.pdf

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.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).
604.6 DOCUMENTATION
A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.6.1 DOCUMENTATION RELATED TO RECORDINGS
The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

604.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION
If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

604.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS
When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.7.1 OTHER SAFEGUARDS
Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness’ identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).
604.8 FIELD IDENTIFICATION CONSIDERATIONS
Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases.

(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) In most circumstances, if a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.
Brady Material Disclosure

605.1 PURPOSE AND SCOPE
This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “Brady information”) to a prosecuting attorney.

605.1.1 DEFINITIONS
Definitions related to this policy include:

Brady information - Information known or possessed by the Monterey Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY
The Monterey 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 Monterey 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.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION
Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a command officer 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 command officer.

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.
605.4 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.

605.5 TRAINING
Department members should receive periodic training on the requirements of this policy.
Unmanned Aerial System (UAS) Operations

606.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS
Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

606.2 POLICY
Unmanned aerial systems may be utilized to enhance the department’s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY
The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR
The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
Unmanned Aerial System (UAS) Operations

- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

606.5 USE OF UAS
Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

606.6 PROHIBITED USE
The UAS video surveillance equipment shall not be used:
- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.
The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA
Data collected by the UAS shall be retained as provided in the established records retention schedule.
Warrant Service

607.1 PURPOSE AND SCOPE
This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants. Night-time search warrants will not be served without the notification and express authorization of the Investigation/Special Operations Commander.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY
It is the policy of the Monterey Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 RISK ASSESSMENT - INVESTIGATIONS/SPECIAL OPERATIONS COMMANDER
The Investigations/Special Operations Commander (the person appointed by the Chief of Police to review all risk assessment matrix forms) shall review the risk assessment matrix forms with the involved supervisor to determine the risk level of the warrant service.

The Investigations/Special Operations Commander will also have the responsibility to coordinate service of those warrants that are categorized as "high risk." Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

The Investigation/Special Operations Commander shall notify the Patrol Division Commander of the pending service of any search or arrest warrant that is to be served, which the Investigations/Special Operations Commander has reviewed and authorized.

607.4 SEARCH WARRANTS
Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment matrix form and submit it, along with the warrant affidavit, to the appropriate supervisor and the Investigations/Special Operations Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).
607.5 ARREST WARRANTS
If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced during routine warrant service, the officer shall complete the risk assessment matrix form and consult with the appropriate supervisor to notify and consult with the Investigations/Special Operations Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as "high risk", service will be coordinated by the Investigations/Special Operations Commander. If the warrant is not classified as "high risk", the involved supervisor shall consult with the Investigations/Special Operations Commander regarding appropriate tactics and consider such things as; the risk of entry into a location to make an arrest versus utilizing other tactics to apprehend the suspect.

607.6 WARRANT PREPARATION
An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution. (The service of a nighttime search warrant shall not occur without the express permission of the Investigations/Special Operations Commander or in his/her absence another Command Officer.)

(b) A clear explanation of the affiant’s training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

The process for obtaining Electronically Signed Search Warrants is found in the attached document titled, *Electronically Signed Search Warrants under P.C. §1526*. Electronically Signed Search Warrants are only to be utilized after normal business hours, when the courts are closed.
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607.7 HIGH-RISK WARRANT SERVICE
The Investigations/Special Operations Commander or the authorized designee shall coordinate the service of warrants that are categorized as "high risk." The Investigations/Special Operations Commander should work with the Monterey Peninsula Regional Special Response Unit Commander in the service of "high risk" warrants.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio and video recorded when practical and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE
Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person
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should be promptly released. If practical, the names of all persons who were detained as a result of the search warrant, as well as the circumstances of their detention shall be included in the police report.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE
The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS
The Investigations/Special Operations Commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Tactical planning
- Use of Force Policies
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Investigations/Special Operations Commander. The Lieutenant should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Lieutenant should ensure that members of the Monterey Police Department are utilized appropriately. Any concerns regarding the requested use of Monterey Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Investigations/Special Operations Commander is unavailable, the Patrol Division Commander should assume this role.

If officers intend to serve a warrant outside Monterey Police Department jurisdiction, the Investigations/Special Operations Commander should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.
**Warrant Service**

Officers will remain subject to the policies of the Monterey Police Department when assisting outside agencies or serving a warrant outside Monterey Police Department jurisdiction.

607.11 MEDIA ACCESS
No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

607.12 TRAINING
The Training Manager should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.
Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE
This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

See attachment: MCCLEOA Entry in Other Jurisdictions 1997.pdf

608.1.1 DEFINITIONS
Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY
It is the policy of the Monterey Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 RISK ASSESSMENT - INVESTIGATIONS/SPECIAL OPERATIONS COMMANDER
The Investigations/Special Operations Commander (in some agencies called an Operations Director) will develop and maintain a risk assessment matrix form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The Investigations/Special Operations Commander will review risk assessment matrix forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Lieutenant will also have the responsibility for coordinating operations that are categorized as high risk. The service of any nighttime search warrant shall not occur without the express permission of the Investigations/Special Operations Commander or in their absence another Command Officer. It is the responsibility of the Investigation/Special Operations Commander or designee to inform the Patrol Commander of any actions that are about to take place.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT MATRIX FORM PREPARATION
Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment matrix form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the
involved location. These sources shall include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment matrix form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) following their chain of command to their supervisor and the Investigations/Special Operations Commander.

The supervisor and Investigations/Special Operations Commander shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS

If the Investigations/Special Operations Commander, after consultation with the involved supervisor(s), determines that the operation is high risk, the Investigations/Special Operations Commander shall:

(a) Determine what resources will be needed at the location, notify the Patrol Commander and contact and/or place on standby any of the following appropriate and available resources:
   1. Monterey Peninsula Regional Special Response Unit (SRU)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance
8. Canines
9. Evidence Section (Administration Division) or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

608.5 DECONFLICTION
Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN
The Investigations/Special Operations Commander should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:
1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.
608.6.1 OPERATIONS PLAN RETENTION
Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule. To ensure tactical information is not compromised copies made of the operations plan shall be returned to the involved supervisor at the conclusion of the operation.

608.7 OPERATIONS BRIEFING
A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants’ understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan. If applicable, participating personnel should be directed to read the search warrant and Any items to be seized should be identified at the briefing.

(c) The supervisor in charge shall ensure that all participants are visually identifiable as law enforcement officers.

(1) Exceptions may be made by the supervisor for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

(1) It is the responsibility of the supervisor to ensure that Monterey County Emergency Communications Center (Dispatch) is notified of the time and location of the operation prior to officers arriving at the location.

(2) If the radio channel needs to be monitored by Monterey County Emergency Communications Center (Dispatch), the dispatcher assigned to monitor the operation should attend the briefing and receive a copy of the operations plan, if practicable.

(3) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 MONTEREY PENINSULA REGIONAL - SPECIAL RESPONSE UNIT (SRU) PARTICIPATION
If the Investigations/Special Operations Commander determines that Monterey Peninsula Regional - Special Response Unit (SRU) participation is appropriate, the lieutenant and the Monterey Peninsula Regional - Special Response Unit (SRU) supervisor shall work together to develop a written plan. The Monterey Peninsula Regional - Special Response Unit (SRU)
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supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the Monterey Peninsula Regional - Special Response Unit (SRU) supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

608.9 MEDIA ACCESS
No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.10 OPERATIONS DEBRIEFING
High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any Monterey Peninsula Regional - Special Response Unit (SRU) debriefing.

608.11 TRAINING
The Personnel/IA (Training) Sergeant should ensure officers and Monterey Peninsula Regional - Special Response Unit (SRU) team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.
Chapter 7 - Equipment
Department Owned and Personal Property

700.1 PURPOSE AND SCOPE
Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY
Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee’s intentional or negligent abuse or misuse of department property may lead to discipline 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.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY
Claims for reimbursement for damage or loss of personal property must be made on a department memorandum and include the circumstances and case number relating to how the property was damaged. A City of Monterey "Claim for Damages to Person or Property" form must also be completed and submitted with the Memorandum. The memorandum, Claim Form and a Department Transmittal shall be submitted to the employee's immediate supervisor. The supervisor may require a separate written report for the loss or damage.

The supervisor shall send the memorandum through the chain of command to the Chief of Police, with comments on the Department Transmittal relating whether the employee followed proper procedures and whether reasonable care was taken to prevent the loss or damage.
Department Owned and Personal Property

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. Some personal items repair/replacement limits may be included in the employee MOU.

See attachment: Claim-for-Damages-Form.pdf

700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER
Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

700.5 PORTABLE RADIO POLICY
It is the policy of this Department that all sworn personnel and selected non-sworn personnel shall be issued a portable radio for their exclusive on-duty use subject to the usage and maintenance regulations below.

The portable radios issued are the property of the Monterey Police Department. Members are responsible for:

1. Daily maintenance of the radio, the battery and the accessory equipment.
2. Reporting for duty with a fully-charged battery, and the radio and accessories in good working order.

3. Promptly notifying their supervisor in the event of failure, damage, loss or theft of any of the equipment.

4. Officers shall carry and use the Department-issued radio while on duty and shall do so in accordance with the training provided.

5. Officers may carry the radios while off-duty, but are not required to do so.
   a. Should you have any occasion to access the radio frequency and have no permanently assigned call sign, you may use your three-digit MPD number as a call sign.
Personal Communication Devices

701.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY
The Monterey Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)
No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).
701.4 DEPARTMENT-ISSUED PCD
Depending on a member’s assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the 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.

701.5 PERSONALLY OWNED PCD
Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member’s expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications or department issued device). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

   1. The use of a personally owned device while working shall be limited to those times that may be necessary to communicate with people outside the workplace, such as informing someone that your shift has been extended. The use of a personally owned device should whenever possible only be used when on personal break time, not while engaged in work activity.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member’s personally owned PCD should be transferred to the Monterey Police Department and deleted from the member’s PCD as soon as reasonably practicable but no later than the end of the member’s shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD
The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Members will not access social networking sites for any purpose that is not official department business.
(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES
The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
   1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
   2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 USE WHILE DRIVING
The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE
Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.
Vehicle Maintenance

702.1 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.

702.2 DEFECTIVE VEHICLES
When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be reported to the watch commander and removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to the MPD Fleet Manager (Administration Division Commander) for repair. The Watch Commander shall ensure a red "Vehicle Out of Service" form shall be placed on the dashboard of the vehicle, so other employees are aware the vehicle is not to be placed into service.

702.2.1 DAMAGE OR POOR PERFORMANCE
Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE
Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS
All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory or the Department members locker prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 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:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
Vehicle Maintenance

- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Fire Extinguisher

702.3.2 UNMARKED VEHICLES
An employee assigned an unmarked department vehicle shall ensure that the minimum following equipment is present in the vehicle:
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Traffic Safety Vest
- 1 Fire Extinguisher

702.4 VEHICLE REFUELING
Personnel driving government vehicles shall fuel vehicles near the end of their shift if it has less than three-quarters tank of fuel. Vehicles shall only be refueled at the authorized location.

702.5 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 going to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 PROFESSIONAL STAFF EMPLOYEE USE
Professional Staff employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Professional Staff employees shall also prominently display the “out of service” placards or lightbar covers at all times. With the exception of uniformed CSO’s, Professional Staff employees shall not operate the emergency equipment of any vehicle unless expressly authorized by a supervisor.
Vehicle Use

703.1  PURPOSE AND SCOPE
The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Monterey to provide assigned call-back vehicles.

703.2  POLICY
The Monterey Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3  USE OF VEHICLES

703.3.1  SHIFT ASSIGNED VEHICLES
The Watch Commander shall complete a Daily Shift Report (DSR) indicating member beat assignment and the corresponding assigned vehicle number. The DSR will be completed by the Watch Commander for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the Watch Commander will document the new vehicle number on the Daily Shift Report.

703.3.2  OTHER USE OF VEHICLES
Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. The Watch Commander will make a notation on the Daily Shift Report indicating the member’s name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or car wash.

703.3.3  INSPECTIONS
Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented in the vehicle checklist located on PlanIT Police.

Prior to going into service, members shall pay extra attention to and inspect all areas of the vehicle that are accessible by any suspect, prisoner or arrestee, to ensure that contraband, unauthorized items, evidence or personal items have not been left in the vehicle, prior to the member taking responsibility for the vehicle.
Vehicle Use

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

All supervisors are responsible for conducting a minimum of one vehicle inspection per month for personnel under their command. All inspections shall be documented in the vehicle checklist located on PlanIT Police.

703.3.4 SECURITY AND UNATTENDED VEHICLES
Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle. Vehicles equipped with an anti-theft device shall be engaged and not disabled.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MDT
Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Monterey County Emergency Communications Center (Dispatch). Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.6 KEYS
Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member’s chain of command.

703.3.7 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.
703.3.8 ALCOHOL
Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 PARKING
Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times. Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.10 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the MPD Fleet Manager (Administration Division Commander).

703.3.11 PROFESSIONAL STAFF MEMBER USE
Professional Staff members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Professional Staff members shall prominently display the "out of service" placards or light bar covers at all times. With the exception of uniformed CSOs, Professional Staff members shall not operate the emergency equipment of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES
Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or call-back use. Assigned vehicles may be changed at any time. Permission to utilize a call-back vehicle may be withdrawn at any time. The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE
Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the department.
Vehicle Use

(b) Other reasonable transportation options are not available.
(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Monterey City limits.
(d) If possible, the Department vehicle will be parked off-street at the member’s residence.
(e) Vehicles will be locked when not attended.
(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES
Assignment of call-back vehicles shall be based on the location of the member’s residence, the nature of the member’s duties, job description and essential functions, and employment or appointment status. Residence in the City of Monterey is a prime consideration for assignment of a call-back vehicle. Members who reside outside the City of Monterey may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member’s tax adviser.

Criteria for use of call-back vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
(b) Vehicles may be used to transport the member to and from the member’s residence for work-related purposes.
(c) Vehicles will not be used when off-duty except:
   1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
   2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
   3. When the member has received permission from the Chief of Police or Division Commanders.
   4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
   5. When the vehicle is being used by on-call investigators.
(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
Vehicle Use

(e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.
   1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
   2. All weapons shall be secured while the vehicle is unattended.
   3. All department identification, portable radios and equipment should be secured.

(g) If possible, vehicles are to be parked off-street at the member’s residence. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the appropriate department facility, at the discretion of the Chief of Police when a member will be away (e.g., on vacation) for periods exceeding one week.

(i) The member is responsible for ensuring the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS
When driving a call-back vehicle to and from work outside of the jurisdiction of the Monterey Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving call-back vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE
Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.

(b) It is the member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the MPD Fleet Manager (Administration Division Commander).

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
Vehicle Use

(e) Prior to leaving a vehicle at the maintenance facility, the member will submit a "vehicle problem".

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) 

See attachment: 7030 Vehicle Maintenance and Repair Prior 8408.pdf

703.5 UNMARKED VEHICLES
Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall notify the Watch Commander and record the use with the Watch Commander on the Daily Shift Report.

703.6 DAMAGE, ABUSE AND MISUSE
When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE
Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

(a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within one working day explaining the circumstances.
Vehicle Use

703.8 ATTIRE AND APPEARANCE
When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

703.9 AUTOMATED VEHICLE LOCATING SYSTEM (AVL)

703.9.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines and procedures for the implementation and use of the Automated Vehicle Locating (AVL) System. The system is designed to increase officer safety by providing the ability to locate personnel who have lost contact with dispatch or other officers. It also allows for: coordination and resource management during tactical situations; assisting in improving response times to radio calls; situational awareness for all employees; and working with other technologies to facilitate resource management.

The Department's AVL is a Global Positioning System (GPS) which is integrated within the software of the Mobile Data Computer (MDC) and the Computer Aided Dispatch (CAD) systems. AVL uses GPS data to locate and track field personnel units through CAD mapping.

AVL allows Monterey County Emergency Communications Center (dispatch), other department members and allied law and fire agencies sharing the Computer Aided Dispatch (CAD) system, to easily see the real-time locations of all AVL-equipped units on the CAD map. Knowing which units are in the vicinity of an active CAD call enables Monterey County Emergency Communications Center (dispatch) and supervisors to make more informed decisions.

703.9.2 DISABLING/TAMPERING WITH AVL FUNCTIONALITY
Employees will not make any attempt to disable the AVL system in any way. Employees who are operating vehicles equipped with AVL technology may not disable, re-configure or otherwise tamper with its settings, without authorization from the Chief of Police or his/her designee. Employees experiencing difficulty using AVL technology should report any problems to the on-duty MPD Watch Commander and at the discretion of the MPD Watch Commander, place the vehicle out of service until it is fully functional. Monterey County Emergency Communications Center (dispatch) should immediately notify officers and the on-duty MPD Watch Commander when AVL units are not functioning.

703.9.3 AUTOMATED VEHICLE LOCATING (AVL) - REVIEW
Disciplinary action is not the focus or intent of the use of the AVL system; however, the system data may be used as an aid in any criminal and/or administrative investigation. The AVL Playback software may be accessed at the direction of the Chief of Police or his/her designee and may be used as a tool in the complaint process as one part of the fact-finding procedure. AVL may also be used as a tool in a variety of ways including the review of critical incidents such as officer-involved accidents, pursuits or other vehicle operations or to easily review pursuits or evaluate patrol routes. The AVL Playback software will not be used for the routine monitoring of employees.
Vehicle Use

The Chief of Police or his/her designee may access the AVL system via the AVL Playback Program as a tool to improve situational awareness, response times, analyze and improve patrol tactics, improve officer safety and when necessary, use as a fact-finding tool during a complaint-driven or administrative review. Supervisors can request via email specific information from the Chief of Police or his/her designee during fact-finding, complaint-driven or administrative reviews. Email's pertaining to requests shall be kept with the investigative file for the duration of time the file is required to be retained.

703.9.4 AUDITS
The Chief of Police or his/her designee may authorize random audits of field personnel to ensure system integrity and functionality.
Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY
It is the policy of the Monterey Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS
The Chief of Police has designated the MPD Finance/Administration Administrative Analyst as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS
The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS
The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.
704.6 ROUTINE CASH HANDLING
Those who handle cash as part of their property or Investigations / PRVNT supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.7 OTHER CASH HANDLING
Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.
Personal Protective Equipment

705.1 PURPOSE AND SCOPE
This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS
Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY
The Monterey Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES
Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION
Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

705.5 EYE PROTECTION
Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.
Personal Protective Equipment

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

705.6 HEAD AND BODY PROTECTION
Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided to members of the Crowd Control Team and/or as required by any collective bargaining agreement.

705.7 RESPIRATORY PROTECTION
The Administration Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The Administration Division Commander will coordinate their efforts with the City Safety Officer. The plan shall include procedures for (8 CCR 5144):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
(c) Medical evaluations.
(d) PPE inventory control.
(e) PPE issuance and replacement.
(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
(g) Regularly reviewing the PPE plan.
(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE
Designated members may be issued respiratory PPE based on the member’s assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member’s degree of exposure or stress may affect respirator effectiveness, the scene commander shall
reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION
Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK
Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.
705.7.4 SELF-CONTAINED BREATHING APPARATUS
Scene commanders may direct properly trained personnel to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.
(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

705.7.5 RESPIRATOR FIT TESTING
No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

(a) At least once every 12 months.
(b) Whenever there are changes in the type of SCBA or facepiece used.
(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE
No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
(b) A physician or other licensed health care professional has reviewed the questionnaire.
(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS
The Administration Division Commander (Training Manager) is responsible for maintaining records of all:

(a) PPE training.
(b) Initial fit testing for respiratory protection equipment.
(c) Annual fit testing.
(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
   1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

705.9 TRAINING
Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).
Military Equipment

706.1 PURPOSE AND SCOPE
This policy governs the use of military equipment, as defined in Government Code § 7070, as may be amended. The Monterey Police Department (MPD) and its members will comply with provisions of Government Code §§ 7071, 7072, and with otherwise applicable department policies, with respect to military equipment.

706.1.1 DEFINITIONS
This policy adopts the following definitions set forth in Government Code § 7070 (c)(1) through § 7070 (e)(16) as may be amended or superseded:

**Governing body** – The elected or appointed body that oversees the Department.

**Military equipment** –

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in sections § 30510 and § 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
Military Equipment


14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the Federal Defense Logistics Agency.

706.2 POLICY
It is the policy of the Monterey Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment. Use of military equipment should safeguard public welfare, safety, civil rights, and civil liberties.

706.3 MILITARY EQUIPMENT COORDINATOR
The Chief of Police designates the Assistant Chief of Police to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Monterey Police Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.

2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

(g) Coordinating the process for a person to register a complaint, concern, or question about the use of a type of military equipment. The Department will respond in a timely manner.
Military Equipment

A complaint, concern or question related to Military Equipment utilization by the Monterey Police Department can be made through any of the below listed methods:

- Email: militaryequipment@monterey.org
- Web: https://www.monterey.org/city_hall/police/inside_mpd/commendations_or_complaints.php
- By phone: (831) 646-3830
- By mail: Monterey Police Department; Attn: Military Equipment Use Coordinator; 351 Madison Street, Monterey, CA 93940

706.4 APPROVAL
This policy, and any subsequent amendments, will be available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue. No later than May 1, 2022, this policy will be submitted to the City Council for approval, and will remain in effect only if it is approved within 180 days of submission. Approval of this policy or any subsequent amendments requires adoption by ordinance at an open session of a regular meeting providing for public comment. The department will cease use of any military equipment if its use, or the policy for its use, is not approved. An approved military equipment use policy is required prior to engaging in any of the following (Government Code § 7071):

(a) Requesting military equipment made available pursuant to 10 USC § 2576a.
(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
(g) Acquiring military equipment through any means not provided above.

706.5 COORDINATION WITH OTHER JURISDICTIONS
Military equipment used by other jurisdictions providing aid to MPD shall comply with their respective military equipment use policies. MPD is a participating member of the Monterey Peninsula Regional Special Response Unit (MPRSRU) in collaboration with other law enforcement agencies on the Monterey Peninsula. MPRSRU provides capabilities to address specific law enforcement issues, such as active shooter incidents, hostage situations, barricaded subject
incidents, etc. MPD also collaborates and works with the Monterey County Sheriff's Department and other local, state and federal law enforcement agencies that may provide aid to MPD. Military equipment owned by other jurisdictions that may be used by MPRSRU inside the City of Monterey's jurisdiction is listed in Section Two of the Military Equipment Inventory. MPD is authorized to use that military equipment in connection with MPRSRU activities/responses.

706.6 ANNUAL REPORT
Within one year of approval of the military equipment use policy, and annually thereafter, the Chief of Police or the authorized designee will submit a military equipment report for each type of approved military equipment for as long as the military equipment is available for use. The annual military equipment report will be publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment.

706.7 COMMUNITY ENGAGEMENT
Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the public may discuss and ask questions regarding the funding, acquisition, or use of military equipment.

706.8 MILITARY EQUIPMENT INVENTORY
The attached list is divided into three sections.

- Section One - lists qualifying equipment that is owned and/or utilized by the Monterey Police Department.

See attachment: MPD 706 Sec 1 - MPD Equip Owned Oper.pdf

- Section Two - lists qualifying equipment that is not owned by the Monterey Police Department, but which is known to be owned and/or utilized by law enforcement agencies which the Monterey Police Department collaborates and/or participates with as part of the Monterey Peninsula Regional Special Response Unit (MPRSRU) for law enforcement purposes.

See attachment: MPD 706 - Sec 2 - MPRSRU Equip Owned Oper.pdf

- Section Three - lists qualifying equipment that the Monterey Police Department will be procuring, with anticipated dates of procurement.

See attachment: MPD 706 - Sec 3 - MPD SRU Equip Procurement.pdf
Chapter 8 - Support Services
Crime Analysis

800.1 PURPOSE AND SCOPE
Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES
Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

800.3 CRIME ANALYSIS FACTORS
The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION
For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.
Monterey County Emergency Communications Center (Dispatch)

801.1 PURPOSE AND SCOPE
This policy establishes guidelines for the basic functions of Monterey County Emergency Communications Center (Dispatch). It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

801.2 POLICY
It is the policy of the Monterey Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between Monterey County Emergency Communications Center (Dispatch) and department members in the field.

The Monterey Police Department contracts with the Monterey County Emergency Communications Center (MCECC) to provide all dispatch services for the Monterey Police Department.

801.3 MONTEREY COUNTY EMERGENCY COMMUNICATIONS CENTER (DISPATCH) SECURITY
The communications function is vital and central to all emergency service operations. The safety and security of Monterey County Emergency Communications Center (Dispatch), its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Monterey County Emergency Communications Center (Dispatch).

Access to Monterey County Emergency Communications Center (Dispatch) shall be limited to Monterey County Emergency Communications Center (Dispatch) members, the Watch Commander, command staff and department members with a specific business-related purpose.

801.4 RESPONSIBILITIES

801.4.1 MCECC DIRECTOR
The Chief of Police has contracted with MCECC and delegated certain responsibilities to the MCECC Director. The MCECC Director is directly responsible to the Patrol Division Commander or the authorized designee.

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

(a) Overseeing the efficient and effective operation of Monterey County Emergency Communications Center (Dispatch) in coordination with other supervisors.
(b) Scheduling and maintaining dispatcher time records.
(c) Supervising, training and evaluating dispatchers.
(d) Ensuring the radio and telephone recording system is operational.
1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Processing requests for copies of Monterey County Emergency Communications Center (Dispatch) information for release.

(f) Maintaining Monterey County Emergency Communications Center (Dispatch) database systems.

(g) Maintaining and updating Monterey County Emergency Communications Center (Dispatch) procedures manual.

1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

2. Ensuring dispatcher compliance with established policies and procedures.

(h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

801.4.2 ADDITIONAL PROCEDURES
The MCECC Director should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(e) Assignment of field members and safety check intervals.

(f) Emergency Medical Dispatch (EMD) instructions.

(g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(i) Protection of radio transmission lines, antennas and power sources for Monterey County Emergency Communications Center (Dispatch) (e.g., security cameras, fences).

(j) Handling misdirected, silent and hang-up calls.

(k) Handling private security alarms, if applicable.
801.4.3 DISPATCHERS
Dispatchers report to the MCECC Director. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:
   1. Emergency 9-1-1 lines.
   2. Business telephone lines.
   3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
   4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
   5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through Monterey County Emergency Communications Center (Dispatch), department and other law enforcement database systems (CLETS, DMV, NCIC).

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
   1. Vehicle pursuits.
   2. Foot pursuits.
   3. Assignment of emergency response.

801.5 CALL HANDLING
This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.
When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Monterey County Emergency Communications Center (Dispatch), the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller’s language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

801.5.1 EMERGENCY CALLS
A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

801.5.2 NON-EMERGENCY CALLS
A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.
801.6 RADIO COMMUNICATIONS
The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.
(b) Dispatchers acknowledging and responding promptly to all radio transmissions.
(c) Members keeping the dispatcher advised of their status and location.
(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The MCECC Director shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant’s supervisor and processed through the chain of command.

801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
Monterey Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

801.6.2 RADIO IDENTIFICATION
Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

801.7 DOCUMENTATION
It shall be the responsibility of Monterey County Emergency Communications Center (Dispatch) to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
Monterey County Emergency Communications Center (Dispatch)

- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member’s arrival.
- Time of member’s return to service.
- Disposition or status of reported incident.

801.8 CONFIDENTIALITY

Information that becomes available through Monterey County Emergency Communications Center (Dispatch) may be confidential or sensitive in nature. All members of Monterey County Emergency Communications Center (Dispatch) shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

801.9 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

801.10 CALLS FOR SERVICE, HANDLING AND DISPOSITION

It is the policy of this department to take appropriate police action on calls for service and incidents that are discovered by individual officers. All action taken is to be documented through the Computer Aided Dispatch (CAD) system. Standard procedures are hereby established to ensure similar reporting by all staff.

- **CLASSIFICATION** - is the type of call that is being handled by the officer. Classifications are generally determined by staff at County Communications. They have a list of classifications for most incidents. That list shall be used when possible.

- **DISPOSITION** - is the shorthand method of documenting the manner in which a call was disposed (i.e., a brief description of what action the officer took).

- **RECLASSIFICATION** - is a change in classification from the type of call which was originally dispatched to better reflect the actual nature of the call. This will occur if the officer determines after investigating the incident, that a more appropriate classification should be applied.

A. Generally, officers will be dispatched to calls for service by staff of the Communications Center. The dispatch will include an initial “classification” of the call to be handled.
B. Each call for service will be thoroughly investigated by the officer(s) assigned and a disposition made. That disposition will be reported to the Communications Center by the officer who handled the assignment.

1. The following are dispositions that are to be used by members of this department:

   a. **CR – CASE REPORT**: Indicates that a case report will be written. Reports will be written on all incidents where crimes are committed, arrests made, property is taken into police custody, it is likely the incident reported will continue, where there is potential City liability, or any case where the investigating officer deems a case report would be appropriate.

   b. **AR** – Same as CR except an arrest is made.

   c. **GOA – GONE ON ARRIVAL**: When the officer arrived, all parties to the incident were gone. There may have been an incident that occurred, but the officer cannot find anyone willing to come forward and offer information to clarify the incident, and the officer determines no written record of the incident is needed.

   d. **UTL – UNABLE TO LOCATE**: After thoroughly searching the area and attempting to make contact with persons who may know something about the incident, the officer cannot find anything to validate the call and so determines that no written record of the incident is needed.

   e. **OT – OTHER**: Means “other disposition” and that the officer did not find a situation upon arrival at the scene. The officer was able to satisfactorily handle the incident without the need for a written report. This means that parties to the incident are satisfied with the action of the officer. If either party is not satisfied, a case report is suggested.

   f. **UN – UNFOUNDED**: Means the officer did find something upon arrival, however the call did not require police action. No crime was committed and the parties involved neither wanted nor needed police intervention. The incident, as reported, did not occur, and the officer determines no written record of the incident is required.

2. In disposing of any case without preparing a case report, the officer should have sufficient information to justify the disposition.
Policy 802

Monterey Police Department
Monterey PD Policy Manual

Property and Evidence

802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

The Property and Evidence Section falls under the Administration Division. The Police Records/Detention Supervisor (PRDS) is the designated supervisor of the Property and Evidence Section. The PRDS shall appoint one Police Service Technician (PST) to manage the Property and Evidence Section on a day-to-day basis.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Evidence and Property Control.

See attachment: 8020 Evidence and Property Control - Procedures.pdf

802.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons)
- Property taken into custody because the owner has become incapacitated.

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room. Care shall be taken to maintain the chain of custody for all property.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property receipt must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items. The property receipt shall be forwarded to the evidence technician after scanning into the case file.
802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) If the item is found property, complete the property receipt 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 on the evidence seal, using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

(d) For items that are found property or taken for safekeeping, the original property receipt shall be submitted with the case report. A copy shall be placed in the designated slot of temporary evidence locker #23.

(e) When the property is an item of evidence and too large to be placed in a locker, the item may be retained in the secure MPD Lab.

(f) When completing RMS data entry for any item, note the location the property is stored in the "Misc Info" field in the RMS system for each individual item.

802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a Bureau of Forensic Services (BFS) envelope. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker.

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor. The Monterey County Sheriff’s Office 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 turned over to the Fire Department.
802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property and Evidence - Police Services Technician (PST), or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property and Evidence - Police Services Technician (PST), or placed in the bicycle storage area until a Property and Evidence - Police Services Technician (PST) can log the property.

(d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of $1,000 for verification.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

(a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or

(b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or

(c) The Automated Firearms System indicates that the firearm was reported lost or stolen.

1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.
The Property and Evidence - Police Services Technician (PST) shall ensure the Police Records/Detention Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Section Policy).

**802.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs
(b) Firearms (ensure they are unloaded and booked separately from ammunition)
(c) Property with more than one known owner
(d) Paraphernalia as described in Health and Safety Code § 11364
(e) Fireworks
(f) Contraband

**802.4.1 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, firearms boxes for firearms and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items.

**802.4.2 PACKAGING NARCOTICS**

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated locker.

No presumptive testing should occur on any suspected narcotic or dangerous drug without the approval of a supervisor, after weighing the necessity of testing for investigative purposes against the potential exposure to the testing officer. When testing does occur, it shall be conducted in a well ventilated area according to commercial test kit instructions and training received. Sampling of evidence should be performed very carefully to avoid spillage and release of powder into the air. At a minimum, gloves and a mask shall be worn. After conducting the test, the testing area shall be cleaned with disinfectant and hands shall be washed with copious amounts of soap and water. At no time shall an officer test any substance which the officer has reasonable suspicion, based on specific facts or circumstances, contains fentanyl. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in a BFS envelope. The booking officer shall initial and date the sealed envelope along the taped seam. Narcotics and dangerous drugs shall not be packaged with other property.

For narcotics too large to package in a BFS envelope, larger packaging material may be used and a BFS envelope shall be taped to the outside of the package.
802.5 RECORDING OF PROPERTY
The Property and Evidence - Police Services Technician (PST) receiving custody of evidence or property shall record in the RMS system his/her name, the location, date and time the property was received and where the property will be stored.

Any changes in the location of property held by the Monterey Police Department shall be noted in the RMS property module.

802.6 PROPERTY CONTROL
Each time the Property and Evidence - Police Services Technician (PST) receives property or releases property to another person, he/she shall enter this information in the RMS property module. Officers desiring property for court shall contact the Property and Evidence - Police Services Technician (PST) at least one business day prior to the court day, if possible.

802.6.1 RESPONSIBILITY OF OTHER PERSONNEL
Every time property is released or received, an appropriate entry into the RMS property module shall be completed to maintain the chain of evidence.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property and Evidence - Police Services Technician (PST).

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The Property and Evidence PST will check the evidence out of property, indicating the date and time into the RMS property module and the request for laboratory analysis. 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 and the copy will be returned to the Records Section for filing with the case.

802.6.3 STATUS OF PROPERTY
Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the RMS property module, stating the date, time and to whom released, as well as a hard copy transfer receipt if the item is for court.

Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the RMS property module, indicating date, time, and the person who returned the property.

If an item taken to court is entered into evidence and retained by the court, the officer who checked out the evidence shall record this on the property transfer receipt and return it to the Property and Evidence PST upon returning to the office. Any items transferred to a representative of the District Attorney's Office or to the Court shall have the representative sign the chain of custody transfer sheet or provide a receipt, which will be returned to the Property and Evidence PST.
802.6.4 AUTHORITY TO RELEASE PROPERTY

The Property and Evidence PST designated by the Police Records/Detention Supervisor, shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

802.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

With the exception of firearms and other property specifically regulated by statute,

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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 evidence and not claimed within the required time (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 & MCC Chapter 27). The final disposition of all such property shall be fully documented in the RMS property module (including specifying the specific item(s) to be released, the name and date of the Department staff person who released the items will be captured in the RMS property module).

The Property and Evidence - Police Services Technician (PST) shall release the property upon proper identification being presented by the owner for which an authorized release has been received. The name, address and a signature of the person receiving the property shall be recorded on the original property transfer receipt. After release of all property, transfer receipts shall be forwarded to the Records Section for scanning into the case. Upon release, the proper entry shall be documented in the RMS property module.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Evidence Section (Administration Division) PST should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm shall not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).
In regard to Found Property - if the reported value of the property is less than two hundred fifty dollars ($250) and no owner appears and proves his or her ownership of the property within 90 days, the title shall vest in the person who found or saved the property, unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at public auction (Civil Code § 2080.3(b)).

802.6.6 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)).

802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS
The Police Records/Detention Supervisor 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.

802.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS
Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property and Evidence - Police Services Technician (PST) shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

802.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS
Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

(a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.

(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

802.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS
Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Monterey Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

802.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION
The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

802.7 DISPOSITION OF PROPERTY
All property not held for evidence in a pending criminal investigation or proceeding, and held for a minimum of 60 days for items held for safekeeping or 90 days for found property, where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws.

802.7.1 EXCEPTIONAL DISPOSITIONS
The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
Property and Evidence

- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

802.7.2 UNCLAIMED MONEY
If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of three consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

In regard to Found Property - if the reported value of the property is less than two hundred fifty dollars ($250) and no owner appears and proves his or her ownership of the property within 90 days, the title shall vest in the person who found or saved the property, unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at public auction (Civil Code § 2080.3(b)).

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE
The Evidence Section (Administration Division) 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 Investigations/Special Operations Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Evidence Section (Administration Division) Supervisor, or until the expiration of any imposed sentence that is related to the evidence,
whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be scanned to the case 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 Investigations/Special 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 or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigations/Special Operations Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

802.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the Police Records/Detention Supervisor shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures. All inspections shall be documented.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.

(d) Whenever a change is made in the PST personnel assigned to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.
Records Section

803.1 PURPOSE AND SCOPE
This policy establishes the guidelines for the operational functions of the Monterey Police Department Records Section. The policy addresses department file access and internal requests for case reports.

803.1.1 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 00001 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

803.2 POLICY
It is the policy of the Monterey Police Department to maintain department records securely, professionally, and efficiently.

803.3 DETERMINATION OF FACTUAL INNOCENCE
In any case where a person has been arrested by officers of the Monterey 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 Division Commander. The Administration Division Commander or his or designee 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 Division Commander should forward the petition to the Investigations Division Commander and the City Attorney for review. After such review and consultation with the City Attorney, the Administration Division Commander and the Investigation/Special Operations Division Commander shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration Division Commander shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Administration Division Commander 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.
803.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING
The Patrol Division Commander working in conjunction with the Police Records/Detention Supervisor shall ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.
(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
(c) The California Department of Justice is notified.

803.5 FILE ACCESS AND SECURITY
The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Watch Commander.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

803.6 ORIGINAL CASE REPORTS
Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Police Records/Detention Supervisor. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

803.7 CONFIDENTIALITY
Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.
Restoration of Firearm Serial Numbers

804.1 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.

804.2 PROCEDURE
Any firearm coming into the possession of the Monterey Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

804.2.1 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.

804.2.2 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.
804.2.3 OFFICER RESPONSIBILITY
The Property and Evidence - Police Services Technician (PST) 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.

804.2.4 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.

804.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property and Evidence - Police Services Technician (PST) 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.

804.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.
Records Maintenance and Release

805.1 PURPOSE AND SCOPE
This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

805.2 POLICY
The Monterey Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES
The Chief of Police has designated the Police Records/Detention Supervisor (PRDS) as the Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:
   1. Identifying the minimum length of time the Department must keep records.
   2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).

(g) Determining how the department’s website may be used to post public records in accordance with Government Code § 7922.545.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in
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a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS
Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

805.4.1 REQUESTS FOR RECORDS
Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

805.5 RELEASE RESTRICTIONS
Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 7922.200).

(c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the [District/County Attorney], the City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
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(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

(n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).

(o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

805.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor, who will notify the chain of command and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

805.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

805.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or
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conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Police Records/Detention Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

805.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Police Records/Detention Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

805.9 SECURITY BREACHES

The Police Records/Detention Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

(a) Social Security number
1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
3. Medical information
4. Health insurance information
5. Information or data collected by Automated License Plate Reader (ALPR) technology
6. Unique biometric data
7. Genetic data

(b) A username or email address, in combination with a password or security question and answer that permits access to an online account

805.9.1 FORM OF NOTICE

(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

1. The date of the notice.
2. Name and contact information for the Monterey Police Department.
3. A list of the types of personal information that were or are reasonably believed to have been acquired.
4. The estimated date or date range within which the security breach occurred.
5. Whether the notification was delayed as a result of a law enforcement investigation.
6. A general description of the security breach.
7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

(b) The notice may also include information about what the Monterey Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.

2. When the breach involves an email address that was furnished by the Monterey Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

805.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

1. Written notice.
2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
   (a) Email notice when the Department has an email address for the subject person.
   (b) Conspicuous posting of the notice on the department’s webpage for a minimum of 30 days.

4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
   (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

805.10  RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

805.10.1  DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

   (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

   (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

805.10.2 NOTICE OF DELAY OF RELEASE
When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

805.10.3 REDACTION
If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

805.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE
If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

(a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
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(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).
Protected Information

806.1 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 Monterey Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

806.1.1 DEFINITIONS
Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Monterey Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

806.2 POLICY
Members of the Monterey Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

806.3 RESPONSIBILITIES
The Chief of Police has designated the Police Records/Detention Supervisor (PRDS) 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.
806.4 ACCESS TO PROTECTED INFORMATION
Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Monterey Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

806.4.1 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).

806.4.2 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 (Police Records/Detention Supervisor)
(b) Full-time employees of the Records Section
(c) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

806.5 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 Police Records/Detention Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).
806.5.1 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).

806.5.2 TRANSMISSION GUIDELINES
Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDT or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual’s combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

806.6 SECURITY OF PROTECTED INFORMATION
The Chief of Police has designated the Police Records/Detention Supervisor (PRDS) 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.

806.6.1 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).

806.7 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.

806.7.1 COMPUTER TERMINAL SECURITY
Computer terminal equipment capable of providing access to automated Criminal Offender Record
Information (CORI) is limited to and located in the Records Section, Monterey County Emergency
Communications Center (Dispatch) and in the Investigation 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.

806.7.2 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.

806.7.3 CUSTODIAN OF CRIMINAL RECORDS
The Administration Division - Police Records/Detention Supervisor (PRDS) 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 Division Commander may appoint other department employees to the role
of Custodian of Criminal Records, who will share the same responsibilities regarding criminal
records.

The Administration Division Commander will ensure that they make 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.

806.8 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).
Computers and Digital Evidence

807.1 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.

807.2 SEIZING COMPUTERS AND RELATED EVIDENCE
Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
   1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
   2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number 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.

(i) In most cases when a computer is involved in criminal acts, and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

807.2.1 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.

807.2.2 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.

807.3 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 Evidence Section (Administration Division) 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.

807.4 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) Unless the investigation requires immediate access to the data, 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) Generally, you should not turn the device on or off. The device may 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.

807.5 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.

807.5.1 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.

807.5.2 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 Evidence Section (Administration Division) as soon as possible for submission into evidence.

(b) Only evidence technicians and/or properly trained employees are authorized to copy and/or distribute digital media made from the memory cards.
Computers and Digital Evidence

(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) Only evidence technicians or properly trained officers may 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.

807.5.3 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.

807.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians (PST’s) 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

808.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

808.2 ANIMAL CONTROL OFFICER / CSO RESPONSIBILITIES
Animal control services are the responsibility of all field personnel. The ongoing primary responsibility for Animal Services rests with the assigned Community Service Officer (CSO), duties include:

(a) Animal-related matters during periods when Animal Control Officer / CSO is available.
(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control Officer / CSO is available for investigation and resolution.
(c) Follow-up on animal-related calls, such as locating owners of injured animals.

808.3 MEMBER RESPONSIBILITIES
Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.
(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
(c) An animal is creating a traffic hazard.
(d) An animal is seriously injured.
(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.
808.4 DECEASED ANIMALS
When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased domesticated animals on public property should be removed and sealed in a plastic bag. All deceased domesticated animals are to be properly stored by the officer assigned to the call for service.

- Deceased domesticated animals, smaller than the average deer, are to be stored in the freezer at the kennels with the dead animal form filled out and left on the freezer.
- In regard to large dead animals, assistance may be requested from the Public Works Department or coordinated through the SPCA.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased domesticated animals, members should attempt to identify and notify the owner of the final disposition of the animal.

808.5 INJURED ANIMALS
When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

808.5.1 VETERINARY CARE
The injured animal should be taken to a veterinarian as follows:

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

(c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control Officer / CSO is not available, the information will be forwarded for follow-up.

Local Monterey County Veterinary Hospitals/Clinics:

<table>
<thead>
<tr>
<th>Aguajito Veterinary Hospital</th>
<th>Bay Pet Hospital</th>
<th>Monterey Animal Hospital</th>
</tr>
</thead>
<tbody>
<tr>
<td>1221 Tenth Street</td>
<td>2201 N. Fremont Street</td>
<td>725 Foam</td>
</tr>
<tr>
<td>Monterey, CA 93940</td>
<td>Monterey, CA 93940</td>
<td>Monterey, CA 93940</td>
</tr>
</tbody>
</table>
372-8151                                                 375-2436                                                373-0711

Parkview Veterinary Hospital                              Monterey-Salinas Veterinary Emergency Clinic, Inc.
571 E. Franklin Street                                      2 Harris Court, Suite A-1
Monterey, CA 93940                                         Monterey, CA 93940
372-2672                                                  373-7374

SPCA
1002 Monterey-Salinas Highway (Hwy 68)
Monterey, CA
373-2631

808.5.2 INJURED WILDLIFE
Injured wildlife should be referred to the Department of Fish and Wildlife, the Marine Mammal Center or the SPCA as applicable.

The SPCA will pick up all injured native birds, EXCEPT pigeons, parrots and starlings. They will also pick up injured deer, raccoons, opossums and squirrels.

Marine mammals will need to be referred to the Marine Mammal Center. The Communication Center has those numbers and will make the call, if requested.

808.5.3 RESCUE OF ANIMALS IN VEHICLES
If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

(a) Make a reasonable effort to locate the owner before entering the vehicle.
(b) Take steps to minimize damage to the vehicle.
(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
(e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
(f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.
(g) Document member actions and those of others in a report.

808.6 POLICY
It is the policy of the Monterey Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.
Animal Control

808.7 ANIMAL CRUELTY COMPLAINTS
Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

808.8 ANIMAL BITE REPORTS
Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

808.9 STRAY DOGS
If a stray 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.

If the owner cannot be located or contacted, the officer shall transport the animal to the City Corporation Yard and place it into the appropriate kennel.

- The holding cage at the station may be used for short periods of time while owners are being located or are en route for pick up.
- Animals shall not be held in the holding cage for extended periods of time.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter). Whenever an animal is impounded, the City will collect a fee from the owner upon release of the animal. When a department member contacts the owner, the owner shall be advised of the appropriate fee. Records will collect the fee, issue a receipt and log the release and payment information into the Animal Control Module in RMS.

808.10 DANGEROUS ANIMALS
In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

808.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Barking Dog Complaints.
808.12 DESTRUCTION OF ANIMALS
When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

808.13 VICIOUS DOG POLICY
A. It shall be the policy of this Department to protect the public from vicious dogs while doing so in the most humane way possible.

B. While the safety of police personnel and the community is always a paramount consideration, and officers should always be prepared to protect themselves when dealing with animals, an animal should not be treated as vicious merely because it is a breed known for aggressive behavior, i.e., Pit Bull, Rottweiler, Doberman Pinscher, etc. Each animal should be judged on their demonstrated behavior, not their breed.

C. The Department recognizes the Fourth Amendment rights of persons to due process prohibiting unreasonable seizure of person’s property, including dogs, specifically relating to the seizure and destruction of vicious dogs.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Vicious Dog Procedures.

See attachment: 8080 Vicious Dog Procedures Prior 0701.pdf

808.14 MOUNTAIN LION POLICY
PURPOSE
To establish a protocol for the handling of mountain lion (a.k.a. cougar, panther or puma) sightings, encounters, and attacks in the City.

POLICY
A. It shall be the policy of this Department to work with the California Department of Fish & Game (DFG), the agency that has statutory responsibility for wildlife in the State, on mountain lion related incidents.

B. The Department recognizes the special protection afforded mountain lions and will adhere to Department of Fish and Game Code Sections §4800-4809 which describe, among other things, the process to be used when it appears that a mountain lion must be taken or destroyed.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Mountain Lion Procedures.

See attachment: 8081 Mountain Lion Procedures Prior 0406.pdf
Jeanne Clery Campus Security Act

809.1 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 (Clery Act) as well as applicable California Education Code requirements.

809.2 POLICY
The Monterey 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 Monterey Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution’s website.

It is the policy of the Monterey Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Monterey Police Department and the administration 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.

809.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT
The Chief of Police will:

(a) Ensure that the Monterey 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); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
   (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI’s Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency’s responsibility, including maps as necessary (Education Code § 67381).

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 Monterey 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 Monterey 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. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(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, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(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).

809.3.1 ADDITIONAL REQUIREMENTS
The Chief of Police or the authorized designee will also (Education Code § 67386):

(a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence and stalking involving a student whether it occurred on- or off-campus including:

1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.

2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications and participation by victim advocates and other supporting individuals.
Jeanne Clery Campus Security Act

(b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence and stalking cases.

(c) Assist, as appropriate, in the development of the institution’s comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.

(d) Ensure that any reported Part 1 violent crime, sexual assault or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the Monterey Police Department or the institution (Education Code § 67380).

1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have his/her personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees or the institution, and the immediate assistance of the Monterey Police Department is necessary to contact or detain the assailant (Education Code § 67380).

2. If the institution discloses the identity of the alleged assailant to the Monterey Police Department, the institution must immediately inform the victim of that disclosure (Education Code § 67380).

809.4 RECORDS COLLECTION AND RETENTION
The Police Records/Detention Supervisor is responsible for maintaining Monterey 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); 34 CFR 668.46(c)):

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

10. Dating violence, domestic violence and stalking

(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, gender, gender identity, 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); 34 CFR 668.46(c)).

1. The statistics shall be compiled using the definitions in the FBI’s UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):

(a) On campus.

(b) In or on a non-campus building or property.

(c) On public property.

(d) In dormitories or other on-campus, residential or student facilities.

(c) Statistics will be included by the calendar year in which the crime was reported to the Monterey Police Department (34 CFR 668.46(c)(3)).

(d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(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)).

809.4.1 CRIME LOG

The Police Records/Detention Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the Monterey 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 department 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, may cause a suspect to flee or evade detection, or 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.

809.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Finance/Analytics - Administrative Analyst is responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

(a) All occurrences reported to the Monterey Police Department and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.

(b) All occurrences of noncriminal acts of hate violence reported to the Monterey Police Department for which a written report is prepared.

809.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Division Commander 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); 34 CFR 668.46(e); 34 CFR 668.46 (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. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(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:
Jeanne Clery Campus Security Act

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
   (a) Procedures victims should follow.
   (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.
Financial Management Policies

810.1 FINANCIAL MANAGEMENT
Members of the Monterey Police Department will observe Monterey City Codes, specifically Chapter 28 - Purchasing, and MPD Policies in relation to financial management. This will ensure efficient practices for: the purchase of equipment, supplies, materials, and services at the lowest possible cost commensurate with quality needed; positive financial control over purchases; clearly defining authority for the purchasing function; assuring the quality of purchases through a specific purchasing system.

810.2 GRANT FUNDING POLICY
It is the policy of this Department that the consideration, application, and administration of all grants be controlled and coordinated by the Chief of Police and the Administrative Assistant. All grant related applications and proposals, revenue and expense records, and other reports and information shall be centralized in the Police Administrative Office.

The Monterey Police Department Procedural Manual outlines procedures related to Grant Funding in the section titled, Grant Funding Procedures.

See attachment: 8100 Grant Funding Prior Dir 0202.pdf

810.3 CONTRACT PROCESSING
It shall be the policy of this Department to adhere to the City of Monterey’s formal process required to enter into any contract with an outside vendor. This process includes review and approval by the Chief of Police, City Attorney, Risk Management, and the City Manager’s Office before a contract is officially accepted and filed at the City Clerk’s Office. In addition, a copy of each Police initiated contract shall be maintained in the Administrative Office files.


See attachment: 8101 Contract Processing priordir 0503.pdf

810.4 CALCARD PURCHASING
In order to streamline the process of paying for out-of-town travel and other City-business related expenses, the City of Monterey has issued a credit card (CalCard) to every member of the Police Department, except trainees attending the basic police academy. Department members will comply with Department procedures when using a CalCard.


See attachment: 8102 Calcard Purchasing Procedures Prior Dir 0603.pdf
Chapter 9 - Custody - Monterey City Jail
Monterey Police Department Jail

900.1 MONTEREY POLICE DEPARTMENT JAIL MANUAL
The Monterey Police Department (MPD) Jail Manual will provide the policies related to the MPD Jail Operations.

See attachment: JAIL MANUAL 2015.pdf
Custody Searches

901.1 PURPOSE AND SCOPE
This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Monterey Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS
Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY
All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES
An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.
901.4 SEARCHES AT POLICE FACILITIES
Custody searches shall be conducted on all individuals in custody, upon entry to the Monterey Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY
Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Monterey Police Department identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY
All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES
No individual in temporary custody at any Monterey Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:
Custody Searches

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
   1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual’s actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual’s genital status. If the individual’s genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES
Strip searches at Monterey Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:
   1. The facts that led to the decision to perform a strip search.
   2. The reasons less intrusive methods of searching were not used or were insufficient.
   3. The written authorization for the search, obtained from the Watch Commander.
Custody Searches

4. The name of the individual who was searched.

5. The name and sex of the members who conducted the search.

6. The name, sex and role of any person present during the search.

7. The time and date of the search.

8. The place at which the search was conducted.

9. A list of the items, if any, that were recovered.

10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.
901.6 PHYSICAL BODY CAVITY SEARCH
Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:
   1. The facts that led to the decision to perform a physical body cavity search of the individual.
   2. The reasons less intrusive methods of searching were not used or were insufficient.
   3. The Watch Commander’s approval.
   4. A copy of the search warrant.
   5. The time, date and location of the search.
   6. The medical personnel present.
   7. The names, sex and roles of any department members present.
   8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.
901.7 TRAINING
The Personnel/IA Sergeant (Training) shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.
(b) Conducting searches of transgender and intersex individuals.
(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

901.8 BODY SCANNER SEARCH
If a body scanner is available, a body scan search should be performed on all inmates/arrestees upon entering the secure booking area of the facility. Members (Penal Code § 4030):

(a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.

(b) Should ask female inmates if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.
Prison Rape Elimination

902.1 PURPOSE AND SCOPE
This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against detainees or prisoners in the Monterey Police Department Department City Jail (28 CFR 115.111; 15 CCR 1029).

902.1.1 DEFINITIONS
Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the detainee, prisoner, or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
Prison Rape Elimination

- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of a detainee, prisoner, or resident
- Voyeurism by a staff member, contractor, or volunteer

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee, prisoner, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth (28 CFR 115.5).

**902.2 POLICY**
The Monterey Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Monterey Police Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

**902.3 PREA COORDINATOR**
The Chief of Police of Police has appointed the Assistant Chief of Police to develop, implement, and oversee department efforts to comply with PREA standards in the Monterey Police Department Department City Jail (28 CFR 115.111). The PREA Coordinator’s responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (28 CFR 115.151).
(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Monterey City Jail. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice’s (DOJ) Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents” or a similarly comprehensive and authoritative protocol.

2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

3. A process to document all referrals to other law enforcement agencies.

4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.

5. In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee’s or prisoner’s safety, the performance of first-response duties under this policy, or the investigation of a prisoner’s allegations of sexual abuse, harassment, or retaliation.

(h) Publishing on the department’s website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (28 CFR 115.154).

2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual
abuse at facilities under this agency’s direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all jail holding facilities used to house detainees or prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the jail holding facility are informed of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

(l) Ensuring that information for uninvolved inmates, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

902.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION
Detainees or prisoners may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES
Department members shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the jail holding facility.
(b) Retaliation against detainees or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the department’s designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged detainee or prisoner victim is transferred from the City Jail to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner’s potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
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If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES
Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person’s status as a detainee or a member of the Monterey Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee or prisoner sexually abused another detainee or prisoner in the jail (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS
Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS
No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).
902.5.5 CONCLUSIONS AND FINDINGS
All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member’s disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer.

902.6 RETALIATION PROHIBITED
All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

902.7.1 INCIDENT REVIEWS
An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days
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of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year’s data and corrective actions with those from prior years.

(e) An assessment of the Department’s progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the jail. However, the nature of the redacted material shall be indicated.
All aggregated sexual abuse data from Monterey Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

**902.8 RECORDS**
The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

**902.9 TRAINING**
All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Personnel/IA Sergeant (Training) shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department’s zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.


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The Personnel/IA Sergeant (Training) shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.
Chapter 10 - Personnel
Recruitment and Selection

1000.1 PURPOSE AND SCOPE
This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Monterey Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY
In accordance with applicable federal, state, and local law, the Monterey Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT
The Administration Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.
(b) Use of marketing strategies to target diverse applicant pools.
(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
(e) Employee referral and recruitment incentive programs.
(f) Consideration of shared or collaborative regional testing processes.

The Administration Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.
1000.4 SELECTION PROCESS
The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
   1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
   2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Lie detector test (when legally permissible) (Labor Code § 432.2)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

1000.4.1 VETERAN’S PREFERENCE
Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran’s preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION
Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of the Monterey Police Department (11 CCR 1953).
Recruitment and Selection

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.5.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES
If information disclosed in a candidate’s criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private, or protected information, the Administration Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.
(b) Material and information to be considered are verified, accurate, and validated.
(c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administration Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING
The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall reference the Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administration Division Commander for final review and submission to POST (11 CCR 1953).
1000.5.5 RECORDS RETENTION
The background report and all supporting documentation shall be maintained for a minimum of four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.5.6 BACKGROUND INVESTIGATION UPDATE
A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Monterey Police Department or is transferred to a different department within the City as provided in 11 CCR 1953(f).

1000.5.7 INVESTIGATOR TRAINING
Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.6 DISQUALIFICATION GUIDELINES
As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS
All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.
Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position’s essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS
Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions
(b) Be legally authorized to work in the United States under federal law
(c) At least 21 years of age except as provided by Government Code § 1031.4
(d) Fingerprinted for local, state, and national fingerprint check
(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
(f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
(g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
(h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
(i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
   1. Reading and writing ability assessment (11 CCR 1951)
   2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
(j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
(k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).
Evaluation of Employees

1001.1 PURPOSE AND SCOPE
The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

More detailed information related to Evaluation of Employees can be found in the Monterey Police Department Procedural Manual in the section titled, Employee Performance Evaluation Procedures.

See attachment: 10010 Employee Perf Eval Proced Prior 8402.pdf

1001.2 POLICY
The Monterey Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS
Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and professional staff supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.
Evaluation of Employees

Non-probationary employees demonstrating substandard performance should be notified of such performance in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1001.4 FULL TIME PROBATIONARY PERSONNEL
Professional Staff personnel are on probation as determined by City Code before being eligible for certification as permanent employees. An evaluation is completed consistent with time periods identified in the employee’s job description for all full-time professional staff personnel during the probationary period. Probationary professional staff can be evaluated daily and then quarterly during the probationary period as determined by the supervisor.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly, bi-weekly and monthly during the probationary period, dependant on where in the probationary period they are.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL
Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee’s immediate supervisor on the anniversary of the employee’s date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee’s date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater, the rater’s supervisor or command feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1001.5.1 RATINGS
When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee’s performance. There are three rating standards as follows:

Exceeds Standards
Meets Standards
Evaluation of Employees

**Needs Improvement**

Descriptions of each of the standards, in relation to the Category being evaluated are described in the "Monterey Police Department Performance Evaluation - Categories and Criteria" document.


Other related documents are: MPD Evaluation Checklist, MPD Evaluation Narrative and MPD Pre-Evaluation Document:

See attachment: PD.Eval.Narrative.pdf
See attachment: PD.PRE.Eval.pdf

1001.6   EVALUATION INTERVIEW

When the supervisor has received the evaluation back from the chain-of-command, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, special assignment positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments and ask that they be attached to the performance evaluation report.

1001.6.1   DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City and Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and signed by the employee certifying the following:

(a) That the employee understands the harassment and discrimination policies.
(b) Whether any questions the employee has have been sufficiently addressed.
(c) That the employee knows how and where to report harassment policy violations.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week to be attached to the annual evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1001.7   EVALUATION REVIEW

The supervisor shall forward the draft performance evaluation through the rater's supervisor and chain of command to the Chief of Police, or their designee prior to serving the employee with the evaluation. The manager, Lieutenant, Assistant Police Chief and the Chief of Police may review the evaluation for fairness, impartiality, uniformity, and consistency.
Evaluation of Employees

1001.7.1 EVALUATION MEETING WITH THE CHIEF OF POLICE
Employees shall meet with the Chief of Police after receiving their annual performance evaluation. The Administrative Assistant shall schedule the employee once the performance evaluation is approved by the employee’s Chain of Command.

1001.8 EVALUATION DISTRIBUTION
The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.
Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Monterey Police Department.

It is the policy of this Department to periodically reassign sworn personnel to various assignments within the Department for the purpose of training, job enrichment, and to gain broad experience in varied aspects of law enforcement. This, in turn, will result in increased job satisfaction, operational efficiency and organizational wellbeing. These periodic assignments are neither promotions nor demotions. Any pay differentials for special assignments provided by Memorandum Of Understanding are usually temporary in nature, as they are “assignments,” not a job classification, and will be withdrawn upon conclusion of the special assignment.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Personnel Assignments and Rotation.

See attachment: 10020 Personnel Assignments and Rotation Prior 9102.pdf

1002.2 PROMOTIONAL REQUIREMENTS
Requirements and information regarding any promotional process are available at the Monterey Department of Human Resources.

1002.3 POLICY
The Monterey Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.4 SPECIAL ASSIGNMENT POSITIONS
The following positions are considered Special Assignments and are not promotions:

Officers
   (a) Community Action Team (CAT) Officer
   (b) Field Training Officer (FTO)
   (c) School Resource Officer
   (d) Traffic Officer
   (e) Investigations Detective (MPD and/or PRVNT)

Sergeants
   (a) Field Training Officer Program Sergeant
   (b) Investigations Sergeant
Special Assignments and Promotions

(c) Personnel / IA / Training Sergeant
(d) Community Action Team (CAT) Sergeant

1002.4.1 GENERAL REQUIREMENTS
The following requirements generally apply to consideration for special assignment:
(a) Three years total law enforcement experience
(b) Successfully completed probation
(c) Has shown an expressed interest in the position applied for
(d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, community relations, etc.
(e) Possession of or ability to obtain any certification required by POST, law or as determined by the department.

1002.4.2 EVALUATION CRITERIA
The following criteria will be used in evaluating candidates for a special assignment:
(a) Presents a professional, neat appearance.
(b) Maintains a physical condition that aids in his/her performance.
(c) Expressed an interest in the assignment.
(d) Demonstrates the following traits:
   1. Emotional stability and maturity
   2. Stress tolerance
   3. Sound judgment and decision-making
   4. Personal integrity and ethical conduct
   5. Leadership skills
   6. Initiative
   7. Adaptability and flexibility
   8. Ability to conform to department goals and objectives in a positive manner
   9. Ability to effectively communicate
   10. Functions as a team player/builder
   11. Embraces the importance of service and involvement with the community
   12. Develops and supports others

1002.4.3 SELECTION PROCESS
The following criteria apply to special assignment.
Special Assignments and Promotions

(a) Evaluation of the candidates as determined by the Chief of Police. Evaluation may include:
   (a) A review of supervisor recommendations. The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.
   (b) A testing process which will be coordinated by the Division Commander and may include; written testing, practical testing, and oral interviews of the candidate.
   (c) A review of the candidates personnel files

(b) Based on evaluations of each candidate, the Division Commander will submit his/her recommendation(s) to the Chief of Police.

(c) Transfer to Specialized Positions is the sole discretion of the Chief of Police. Appointees serve at the pleasure of the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.
Grievance Procedure

1003.1 PURPOSE AND SCOPE
It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department’s philosophy is to promote a free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED
Monterey City Code Chapter 25, Article 15, outlines the grievance procedure.

Monterey City Code §25-15.01 relates:

a. A grievance is defined as any dispute involving the interpretation, application or alleged violation of:
   1. Provisions in a current memorandum of understanding between the City and a recognized employee organization; or
   2. These Rules and Regulations, except as excluded under 15.01b.
   3. Past Practice. Past practice is defined as a generally accepted and clear course of conduct which includes the provision of a benefit and which is characteristically repeated over a continuous period of time with the knowledge of parties at more than one level in the chain of command.

b. Should any dispute concern an agreement, rule or action which prescribes a separate appeal procedure, that dispute shall be excluded from this procedure. The following are not subject to the grievance procedure.
   1. Disciplinary actions
   2. Employee performance evaluations
   3. Issues subject to meet and confer process
   4. Reclassification
   5. Layoff
   6. Transfer
   7. Denial of reinstatement
   8. Meet and Confer for purposes of developing a memorandum of understanding

c. Grievances may be filed only by probationary and regular employees, individually or in groups.
Grievance Procedure

1003.2 PROCEDURE
Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe Monterey City Code, Article 15, specifically §25-15.02 - Greivance Procedure.

1003.3 EMPLOYEE REPRESENTATION
Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1003.4 GRIEVANCE RECORDS
At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration Division Commander for inclusion into a secure file for all written grievances.

1003.5 GRIEVANCE AUDITS
The Administration Division Commander shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Administration Division Commander shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Administration Division Commander should promptly notify the Chief of Police.
Anti-Retaliation

1004.1 PURPOSE AND SCOPE
This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members’ access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1004.2 POLICY
The Monterey Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED
No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.
Anti-Retaliation

1004.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS
An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1004.4 COMPLAINTS OF RETALIATION
Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member’s identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES
Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
(b) Receiving all complaints in a fair and impartial manner.
(c) Documenting the complaint and any steps taken to resolve the problem.
(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1004.6 COMMAND STAFF RESPONSIBILITIES
The Chief of Police by way of this policy ensures all supervisors are aware of, and the high priority regarding the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING
California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member’s supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.
Anti-Retaliation

1004.7.1 DISPLAY OF WHISTLE-BLOWER LAWS
The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1004.8 RECORDS RETENTION AND RELEASE
The Administration Division Commander shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING
The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.
Reporting of Employee Convictions

1005.1 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.

1005.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS
California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS
Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee’s ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member’s ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1005.4 REPORTING PROCEDURE
All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired
Reporting of Employee Convictions

Officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1005.5 PROCEDURE FOR RELIEF
Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1005.5.1 NOTIFICATION REQUIREMENTS
The Administration Division Commander shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administration Division Commander shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).
Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE
The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY
It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES
Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS
Members should not use 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 the member's 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 the member's abilities, without a written release from the member's physician.

1006.3.2 MEDICAL CANNABIS
Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1006.4 MEMBER RESPONSIBILITIES
Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.
Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.5 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.

1006.6 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.

1006.7 SCREENING TESTS
A supervisor may require an employee to submit to a screening under any of 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 the employee’s ability to perform duties safely and efficiently.

(b) The employee discharges a firearm in the performance of the employee’s duties (excluding training or authorized euthanizing of an animal).

(c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.

(d) The employee drives a motor vehicle in the performance of the employee’s duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1006.7.1 SUPERVISOR RESPONSIBILITIES
The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:
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(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.

1006.7.2 DISCIPLINE
An employee may be subject to disciplinary action if the employee:

(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 the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee’s name.

1006.8 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).

1006.9 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 in the member’s confidential medical file in accordance with the Personnel Records Policy.
Sick Leave

1007.1 PURPOSE AND SCOPE
This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1007.2 POLICY
It is the policy of the Monterey Police Department to provide eligible employees with a sick leave benefit.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Overtime, Sick-Time, Workers’ Compensation Time.

See attachment: 10200 Overtime Sick-Time Workers Comp Time Prior 8303.pdf

1007.3 USE OF SICK LEAVE
Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION
All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).
Sick Leave

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1007.4 EXTENDED ABSENCE
Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider’s statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1007.5 REQUIRED NOTICES
The Director of Human Resources shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1007.6 SUPERVISOR RESPONSIBILITIES
The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) Addressing absences and sick leave use in the member’s performance evaluation when excessive or unusual use has:
   1. Negatively affected the member’s performance or ability to complete assigned duties.
   2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.
Communicable Diseases

1008.1 PURPOSE AND SCOPE
This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS
Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member’s position at the Monterey Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY
The Monterey Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER
The Chief of Police has designated the Administration Division Commander as the Exposure Control Officer (ECO). The ECO shall work closely with City Human Resources to develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.
(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
(e) Compliance with all relevant laws or regulations related to communicable diseases, including:
   1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
2. Bloodborne pathogen mandates including (8 CCR 5193):
   (a) Sharps injury log.
   (b) Needleless systems and sharps injury protection.
3. Airborne transmissible disease mandates including (8 CCR 5199):
   (a) Engineering and work practice controls related to airborne transmissible diseases.
   (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
   (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).
   (g) Coordination with the Department of Human Resources to provide required notices to members regarding COVID-19 exposures (Labor Code § 6409.6).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS
All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):
   (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
   (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
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(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

   1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

   (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

   (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

   (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

   (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

   (b) Obtain medical attention as appropriate.

   (c) Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

   (a) Name and Social Security number of the member exposed

   (b) Date and time of the incident
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(c) Location of the incident
(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
(e) Work being done during exposure
(f) How the incident occurred or was caused
(g) PPE in use at the time of the incident
(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.
(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1008.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.
(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
Communicable Diseases

(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’s written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.
Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE
This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Monterey Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY
The Monterey Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1009.3 SMOKING AND TOBACCO USE
Smoking and tobacco use by members is prohibited anytime members are in public view representing the Monterey Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1009.4 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.).

1009.4.1 NOTICE
The Administration Division Commander is the authorized designee to ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).
Personnel Complaints

1010.1 PURPOSE AND SCOPE
This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Monterey Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY
The Monterey Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS
Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.3.1 DEFINITIONS
Allegation: An unproven accusation that a member of the Police Department violated Department or City policy, procedures, rules, regulations or the law.

Misconduct: Misconduct, for the purposes of the Monterey Police Department complaint classification process, is an act or omission by a Department member that is a violation of Department or City policy, procedure, rules, regulations or the law, which if proven true may result in disciplinary action.

Complaint: A complaint is an expression of dissatisfaction that either contains an allegation which, if true, demonstrates misconduct that is later classified as a Conduct Complaint, or contains an allegation regarding a City/Department policy that the citizen believes to be inappropriate or not valid, that is later classified as a Policy Complaint.
Discrimination or Harassment: Discrimination or harassment by Department members toward members of the public shall be characterized as an allegation of Biased Based Policing (BPP). The definitions of Discrimination and Harassment apply to workplace interactions between city employees and to Department Initiated Investigations that arise from allegations of workplace discrimination and harassment. The procedures for reporting and investigating allegations of workplace Discrimination and Harassment are found in the Monterey City Code.

1010.3.2 COMPLAINT CLASSIFICATIONS
Personnel complaints shall be classified in one of the following categories:

Conduct Complaint: The initial investigation determines that the facts stated in the allegation are such that, if sustained, would amount to a significant violation of the law or of the Department policies, procedures, rules, or regulations, i.e., one that could result in disciplinary action. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to an outside investigator.

Policy Complaint: When there is an allegation regarding a current Department/City policy that was properly implemented by a Department member, but which the complainant believes is inappropriate or not valid, the Department will use the classification of Policy Complaint.

Non-Misconduct Concern: If a person alleges or raises an issue that does not rise to the level of violation of Department/City policy, procedure, rules, regulations or the law, the Department will classify the concern as a Non-misconduct Concern.

Decline to Investigate Concern: When a member of the public makes an allegation against a Department member and the allegation encompasses fact patterns that are clearly implausible or incredible, the Department will classify the allegation as a Decline to Investigate Concern.

Department Initiated Investigation: Investigations initiated by the Office of the Chief of Police.

Other: Duplicate complaints (cross referenced), errors in data entry and cases not involving department members.

1010.3.3 CONDUCT ALLEGATIONS
Complaints that are categorized as Conduct Complaints shall be categorized into the following:

Procedure (P): An allegation that an action taken by a Department member did not follow appropriate Department and/or City policies, procedures or guidelines.

Search or Seizure (SS): An allegation that a search or seizure was conducted by a Department member in violation of the 4th Amendment.

Arrest or Detention (AD): An allegation that an arrest lacked probable cause or a detention lacked reasonable suspicion.
Bias-Based Policing (BBP): An allegation that a Department member engaged in conduct based on a person’s race, color religion (religious creed), age marital status, national origin, ancestry, sex, sexual orientation, actual or perceived gender identity, medical condition, or disability.

Courtesy (C): An allegation that a Department member was discourteous or unprofessional to a member of the public.

Conduct Unbecoming an Officer (CUBO): An allegation that a member’s conduct, either on or off duty, was conduct that a reasonable person would find unbecoming a police officer or could reflect adversely on the Department.

Force (F): An allegation that the amount of force used by a Department member was not objectively reasonable as defined by MPD Policies and Procedures.

Neglect of Duty (ND): An allegation that a Department member neglected their duties and failed to take action as required by Department and/or City policies or procedures and/or state or federal law.

Workplace Discrimination (WD): As defined by Monterey City Code and MPD Policy.

Workplace Harassment (WH): As defined by Monterey City Code and MPD Policy.

1010.3.4 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS
Personnel complaint forms (Public Complaint or Commendation form) will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

See attachment: Public Compl-Commen Form 12-12-17.pdf
Personnel Complaints

1010.4.2 ACCEPTANCE
All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).


1010.4.3 AVAILABILITY OF WRITTEN PROCEDURES
The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1010.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS
Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1010.5 DOCUMENTATION
Supervisors shall ensure that all complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. Any time a complaint is made, the Administration Division Commander shall be notified by the end of the business day. This is to keep the Commander informed and to ensure work is not duplicated if the complainant contacts more than one person.

The Administration Division Commander will document all complaints and inquiries in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. The Administration Division Commander shall submit a report to the Chief with a summary of the complaint log information.

The Personnel Complaints report will be compiled by the 15th of each month for the prior month. In January a report will be compiled to include the prior calendar year (January 1 to December 31). The monthly and annual reports shall be submitted to the Chief of Police.

1010.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.
1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
   1. The original complaint form will be directed to the Division Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
   2. 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 member's Division Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
   (a) Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
   (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Division Commander.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Division Commander and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Watch Commander and the Department of Human Resources for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination. The Watch Commander will promptly notify the chain of command to the Chief of Police.

(f) Forwarding unresolved personnel complaints to the Division Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:
   1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
Personnel Complaints

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor, a member of the Internal Affairs Unit, or an outside investigator, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Monterey Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a Lybarger advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy
of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual’s statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor’s Brady list or the name of the officer may otherwise be subject to disclosure pursuant to Brady v. Maryland. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a Brady list or may otherwise be subject to disclosure pursuant to Brady v. Maryland (Government Code § 3305.5).

1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Executive Summary - The summarized outline of the complaint, the employee(s) actions, any relevant statement summaries, and the investigators findings.

Background and Methodology - The origination of the complaint, the allegations, the scope of the investigation, the methodology used, as well as the witness list.

List of: Evidence/Exhibits/Supporting Documents - This is an outline of any evidence located: i.e., BWC/MAV audio/video, recorded statements and exhibits attached to the report (such as police reports) as well as potential rule/policy violation definitions.

Investigation - A listing of the possible violations involved in the investigation. A detailed chronology of the investigation, including the initial assignment of the investigator, review of reports and evidence, complaints, and interviews.

Findings - The findings made by the investigator, separated for each involved employee. The investigator supports the findings with the supporting facts obtained during the investigation.

Witness Statements - Witness summaries (or transcripts) of the interviews conducted.

Exhibits - Crime reports, photographs, CAD, Intake and/or Citizen Complaint forms, IA forms, maps, CD's, recordings, etc.
1010.6.4 DISPOSITIONS
Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded (U)** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded. (Penal Code § 832.8).

On **Bias Based Policing** allegations, when an officer's actions are shown to be based on reasonable and articulable facts consistent with department policy, procedures and the law and no bias is indicated, a finding of Unfounded shall be made.

**Exonerated (E)** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper. The finding of Exonerated will not relieve Department supervisors or commanders from the responsibility for counseling or training subordinate personnel.

**Not sustained (NS)** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member. The finding of Not Sustained will not relieve Department supervisors or commanders from the responsibility for Counseling or Training subordinate personnel.

**Sustained (S)** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8). The finding of Sustained may result in disciplinary action ranging from Counseling or training up to and including dismissal from the Department.

**No Finding (NF)** - The complainant failed to disclose promised information needed to further the investigation, or the complainant is no longer available for clarification of material issues, or the subject Department member is no longer employed by the Department before the completion of the investigation or the Chief of Police determines the allegation falls into one of the following categories; **Policy Complaint**, **Non-misconduct Concern**, **Decline to Investigate Concern** or **Other**.

**Complaint Withdrawn (CW)** - The complainant affirmatively indicates the desire to withdraw their complaint. Complaint Withdrawn cases are tracked and monitored for the purpose of identifying trends and patterns as well as for identifying training, policy or procedure changes. The final authority as to whether a case is closed out as a "CW" shall rest with the Chief of Police or their designee, regardless of the member of the public's decision to withdraw the complaint.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.5 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 (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

The assigned investigator or supervisor shall ensure that within 30 days of the final disposition of the complaint, the complainant is provided written notification of the disposition (Penal Code § 832.7(e)).

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 ADMINISTRATIVE SEARCHES
Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1010.7.1 DISCLOSURE OF FINANCIAL INFORMATION
An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process
(b) Information exists that tends to indicate a conflict of interest with official duties
(c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1010.8 ADMINISTRATIVE LEAVE
When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
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(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.9 CRIMINAL INVESTIGATION
Where a member is accused of potential criminal conduct, a separate supervisor or investigator 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 practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Monterey Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES
Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1010.10.1 DIVISION COMMANDER RESPONSIBILITIES
Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 CHIEF OF POLICE RESPONSIBILITIES
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
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recommendation and/or may return the file to the Division Commander 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, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1010.10.3 NOTICE REQUIREMENTS
The disposition of any civilian’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1010.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1010.11 PRE-DISCIPLINE 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) The response is not intended to be an adversarial or formal hearing.
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(b) Although the employee may be represented by an uninvolved representative or legal
counsel, the 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 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.

Refer to Monterey City Code Article 14 - Disciplinary Procedure for specific details relating to
Discipline.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE
In the event that a member tenders a written resignation or notice of retirement prior to the
imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by
itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal
Code § 13510.8).

1010.13 POST-DISCIPLINE APPEAL RIGHTS
Non-probationary employees have the right to appeal a suspension without pay, punitive transfer,
demotion, reduction in pay or step, or termination from employment. The employee has the right to
appeal using the procedures established by any collective bargaining agreement, Memorandum
of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process
shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a Brady list or is
otherwise subject to Brady restrictions may not be introduced unless the underlying allegations
of misconduct have been independently established. Thereafter, such Brady evidence shall be
limited to determining the appropriateness of the penalty (Government Code § 3305.5).

Refer to Monterey City Code Article 14 - Disciplinary Procedure for specific details relating to
Discipline.

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS
At-will and probationary employees and those members other than non-probationary employees
may be released from employment for non-disciplinary reasons (e.g., failure to meet standards)
without adherence to the procedures set forth in this policy or any right to appeal. However, any
probationary officer subjected to an investigation into allegations of misconduct shall be entitled
to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES
All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1010.16 REQUIRED REPORTING TO POST
The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

(a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
   1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.

(b) Events that could affect an officer’s POST certification, such as:
   1. Complaints, charges, or allegations of misconduct
   2. Findings of civilian review boards
   3. Final dispositions of any investigations
   4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Monterey Police Department based on allegations of conduct by an officer

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).
Seat Belts

1011.1 PURPOSE AND SCOPE
This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1011.1.1 DEFINITIONS
Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1011.2 WEARING OF SAFETY RESTRAINTS
All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1011.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES
Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.4 INOPERABLE SEAT BELTS
Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.5 POLICY
It is the policy of the Monterey Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.
1011.6 TRANSPORTING CHILDREN
Children under the age of 8 shall be transported in compliance with California’s child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS
Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1011.8 VEHICLE AIRBAGS
In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.
Policy 1012

Monterey Police Department
Monterey PD Policy Manual

Body Armor

1012.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY
It is the policy of the Monterey 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.

1012.3 ISSUANCE OF BODY ARMOR
The Administration Division Commander shall ensure that body armor is issued to all officers when the officer begins service at the Monterey Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration Division Commander 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.

1012.3.1 USE OF SOFT BODY ARMOR
Generally, the use of body armor is required/mandatory subject to the following:

   (a) Officers shall only wear agency-approved body armor.

   (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

   (c) Officers may be excused from wearing body armor when they are functioning primarily in an office administrative or support capacity and could not reasonably be expected to take enforcement action.

   (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

   (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1012.3.2 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. This inspection shall include formal annual inspections of body armor for fit, cleanliness, and signs of damage, abuse and wear.
The inspection shall be done by the employees supervisor at the time of the annual performance evaluation. If the certification (currently at 5 years) is about to or has expired, it is the employees responsibility to request new body armor. The supervisor will also forward the information to the Division Commander for tracking and budget purposes.

1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for long periods of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1012.4 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 Records

1013.1 PURPOSE AND SCOPE
This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY
It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1013.3 DEPARTMENT FILE
The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These will be retained per the City of Monterey Retention Schedule.

(d) Original performance evaluations. These will be retained per the City of Monterey Retention Schedule.

(e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).

   1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).

   2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).

   3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).

   1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.4 DIVISION FILE
Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1013.5 TRAINING FILE
An individual training file shall be maintained by the Personnel/IA Sergeant (Training) for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Personnel/IA Sergeant (Training) or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Personnel/IA Sergeant (Training) or supervisor shall ensure that copies of such training records are placed in the member's training file.

1013.6 INTERNAL AFFAIRS FILE
Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Internal Affairs Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

(a) Not sustained
Personnel Records

1013.7 MEDICAL FILE
A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers’ compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor’s slips and attendance records that reveal a member’s medical condition.

(e) Any other documents or materials that reveal the member’s medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1013.8 SECURITY
Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1013.8.1 REQUESTS FOR DISCLOSURE
Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.
Personnel Records

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member’s personnel records shall be logged in the corresponding file.

1013.8.2 RELEASE OF PERSONNEL INFORMATION
Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member’s representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1013.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION
Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1013.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS
Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection though a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1013.9 MEMBERS’ ACCESS TO THEIR PERSONNEL RECORDS
Any member may request access to the member’s own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member’s personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member’s request and the
written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1013.10 RETENTION AND PURGING
Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.
Personnel Records

1013.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer’s action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by an officer.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.

(b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
Personnel Records

1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).

2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.

3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5).

However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1013.11.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person
Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1013.11.2 DELAY OF RELEASE
Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations
   1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
   2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.

(b) Filed criminal charges
   1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations
   1. Disclosure may be delayed until:
      (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department’s discovery of the misconduct or use of force or allegation of misconduct or use of force

1013.11.3 NOTICE OF DELAY OF RECORDS
When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
   1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or
no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).
Commendations and Awards

1014.1 PURPOSE AND SCOPE
This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Monterey Police Department and individuals from the community.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Commendations and Awards.

See attachment: 10140 Commendations and Awards Prior 9401.pdf

1014.2 POLICY
It is the policy of the Monterey Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1014.3 COMMENDATIONS
Commendations for members of the Department or for individuals from the community may be initiated by any Department member or by any person from the community.

1014.4 CRITERIA
A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1014.4.1 DEPARTMENT MEMBER DOCUMENTATION
Members of the Department should document meritorious or commendable acts. The documentation could be in the form of a Performance Observation Report or a Memorandum which should contain:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The name of the member submitting the documentation.

See attachment: POR - Original.pdf
1014.4.2 COMMUNITY MEMBER DOCUMENTATION
Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:
   1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
   2. For individuals from the community - name, address, telephone number
(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
(c) The name, address and phone number of the person submitting the documentation.

1014.4.3 PROCESSING DOCUMENTATION
Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the member’s direct supervisor for his/her review. The member’s direct supervisor will attach a transmittal form, make comments and forward through the Chain of Command to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the Department member. The documentation will then be returned to the Chief's Administrative Assistant for entry into the member’s personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Division Commander. The Division Commander will attach a transmittal form and forward documentation to the Chief of Police for his/her review. Documentation of the commendation shall be maintained in a file designated for such records.

1014.5 AWARDS
Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Medal of Valor
  - The Medal of Valor is the Department’s highest award and may be presented to Department employees who distinguish themselves by conspicuous bravery or heroism above and beyond the normal demands of police service. To be awarded the Medal of Valor, an employee shall have performed an act displaying extreme courage while consciously facing imminent peril.

- Lifesaving Award
  - The Lifesaving Award may be presented to an employee who takes direct personal action to save a human life.

- Distinguished Service Award
Commendations and Awards

- The Distinguished Service Award may be presented to an employee for an act of outstanding performance or service requiring extreme tenacity of purpose and devotion to duty that are aligned with the Department’s Vision, Mission and Values. The act or acts must be beyond the normal scope of duty and may include circumstances involving bravery but to a lesser degree than required for the Medal of Valor. A case involving in-depth investigation may be considered, but it must be extremely significant to qualify for this award.

- Meritorious Service Award

- The Meritorious Service Award may be presented to an employee for outstanding service to the community as a representative of the Department requiring great personal commitment of time and energy. Examples include neighborhood interaction, volunteering for assignments outside one’s normal duties, unwavering support for and incorporation of the Department’s Values into his/her daily work habits, and putting the needs of the community, the City, and Police Department above their own.

- Community Policing Award

- The Community Policing Award may be presented to an employee for outstanding achievements associated with Monterey’s Community Policing Initiative (MCPI). To receive this award, an employee shall demonstrate a personal commitment to the Department’s community policing philosophy, be responsive, service oriented, innovative, and collaborative in addressing community concerns and have a record of success in dealing with neighborhood problems.

- Employee of the Year Awards

- These awards shall be presented to a Department member from each category with an outstanding body of work who consistently demonstrated a commitment to the Department’s Vision and Mission while incorporating our Values into his/her daily work. As a Department employee of the year, each recipient shall have demonstrated they embraced our axiom of Service – Honor – Commitment, while modeling acceptance and support for our Vision, Mission, and Values.

  - Officer of the Year – One employee shall be chosen from all sworn personnel who exemplifies excellence based upon their work ethic, daily performance, character, loyalty, problem-solving, technical knowledge and interpersonal skills. The entire body of work, encompassing the specified twelve (12) month period shall be considered. Singular accomplishments are not to be considered alone. Sustained work performance and a willingness to place the needs of the community and organization above their own while displaying a desire to excel shall all be criteria considered.

  - Professional (Civilian) Employee of the Year – One employee shall be chosen from all civilian personnel who exemplifies civilian performance with the City of Monterey through their work ethic, daily performance, integrity, loyalty, problem-solving, technical knowledge and
Commendations and Awards

- Community Policing Officer of the Year - One employee shall be chosen from all sworn personnel who exemplifies on-going achievements associated with Monterey’s Community Policing Initiative (MCPI). The entire body of work, encompassing the specified twelve (12) month period shall be considered. Singular accomplishments are not to be considered alone. Sustained work performance and a willingness to place the needs of the community and organization above their own while demonstrating a personal commitment to the Department’s community policing philosophy, being responsive, service oriented, innovative, collaborative in addressing community concerns and having a record of success in dealing with neighborhood problems shall all be criteria considered.

- Volunteer of the Year – One volunteer shall be chosen from the active pool of Police Department volunteers based upon their number of service hours, dependability, flexibility, reliability, willingness to tackle any task, and devotion to the Monterey Police Department.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police. The Chief of Police may bestow an award not mentioned above on any employee for conduct or performance that is deserving of recognition.

An appropriate venue or ceremony to acknowledge awards and commendations should be arranged on an annual basis.
Fitness for Duty

1015.1 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).

1015.2 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.

1015.3 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 Watch Commander or employee’s available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.
1015.4 NON-WORK RELATED CONDITIONS
Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1015.5 WORK RELATED CONDITIONS
Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate;

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1015.6 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. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed.
Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1015.7 LIMITATION ON HOURS WORKED
Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments. It is the employees duty to inform their supervisor of hours worked which exceed the recommended limits as outlined above.

1015.8 APPEALS
An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.
Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE
This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1016.1.1 MEAL PERIODS
Sworn employees and Police Service Technicians shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from Monterey County Emergency Communications Center (Dispatch) prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City or with a supervisor's approval.

The time spent for the meal period shall not exceed the authorized time allowed.

1016.1.2 15 MINUTE BREAKS
Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers are encouraged to take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so over the air and or MDT and only with the knowledge and clearance of County Communications.

A maximum of 2 marked units shall take their breaks (meal or break) at any one location at the same time unless granted approval/permission of the Watch Commander.
Lactation Break Policy

1017.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee’s infant child (Labor Code § 1034).

1017.2 POLICY
It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1017.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207, Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee’s regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify their supervisor or Watch Commander 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.

1017.4 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee’s work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.
Lactation Break Policy

1017.5 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.

1017.5.1 STATE REQUIREMENTS
Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).
Payroll Records

1018.1 PURPOSE AND SCOPE
This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1018.2 POLICY
The Monterey Police Department maintains timely and accurate payroll records.

1018.3 RESPONSIBILITIES
Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.
Supervisors are responsible for approving the payroll records for those under their commands.

1018.4 TIME REQUIREMENTS
Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1018.5 RECORDS
The Administration Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).
Outside Employment

1019.1 PURPOSE AND SCOPE
In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police on a form provided by the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy and Monterey City Code §25-3.06 - Outside Employment.

1019.2 OBTAINING APPROVAL
No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee’s immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1019.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If a department head finds a conflict with City employment, or imposes terms and conditions on outside work, he/she shall meet with the employee to discuss the conflict. If the conflict cannot be resolved with the employee, the employee and department head may meet with the Human Resources Director (Ord 3385; 02/07) for an appeal. If the conflict cannot be resolved, a final appeal may be made to the City Manager or designee whose decision will be final.

1019.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
Outside Employment

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment permit, an employee’s conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee’s full time duties until the employee has returned to a full duty status

1019.3 PROHIBITED OUTSIDE EMPLOYMENT
Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee’s use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee’s receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee’s duties as a member of this department

(c) Involves the performance of an act in other than the employee’s capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

(d) Involves time demands that would render performance of the employee’s duties for this department less efficient

1019.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT
Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator, auto repossessor or other similar position.

1019.3.2 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer’s law enforcement status.
1019.4 DEPARTMENT RESOURCES
Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1019.4.1 REVIEW OF FINANCIAL RECORDS
Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to § 1040.2.2(c) of this policy.

1019.6 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1019.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY
Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:
Outside Employment

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Monterey Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.
Occupational Disease and Work-Related Injury Reporting

1020.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues and work-related injuries.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Overtime, Sick-Time, Workers Compensation Time.

1020.1.1 DEFINITIONS
Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1020.2 POLICY
The Monterey Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers’ compensation requirements (Labor Code § 3200 et seq.).

1020.3 RESPONSIBILITIES

1020.3.1 MEMBER RESPONSIBILITIES
Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1020.3.2 SUPERVISOR RESPONSIBILITIES
A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers’ compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required. If the information cannot be forwarded by the end of the shift, an e-mail shall be sent to the Division Commander on the status of the reporting.

1020.3.3 DIVISION COMMANDER RESPONSIBILITIES
The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City’s risk management entity, and the...
Occupational Disease and Work-Related Injury Reporting

Administration Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1020.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police or their designee, shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member’s confidential medical file.

1020.4 OTHER DISEASE OR INJURY
Diseases and injuries caused or occurring on-duty that do not qualify for workers’ compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administration Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1020.5 SETTLEMENT OFFERS
When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1020.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City’s right of subrogation, while ensuring that the member’s right to receive compensation is not affected.

1020.6 POST-EXPOSURE PROTOCOL
1. Any employee exposed to potentially infectious material shall immediately wash the exposed area with soap and water. If this is not available, a waterless disinfectant/sanitizing agent can be used. Saline eye wash should be used over a 15-minute period, if the eyes are involved (saline is carried in burn packs).

2. Any employee having an occupational communicable disease exposure shall immediately report the exposure through their chain of command to the Watch Commander.
3. The employee shall immediately fill out the top section of a “Monterey County Emergency Report of Exposure” form for any of the following exposures:
   a. Needle stick injury
   b. Break in the skin by a potentially contaminated object
   c. Splash of blood or other potentially infectious material into eyes, mucous membranes or non-intact skin
   d. Mouth-to-mouth resuscitation without pocket mask/one-way valve
   e. Exposure to a confirmed or suspected TB case without benefit of all applicable Personal Protective Equipment (HEPA Mask)
   f. Other exposure that the member may feel is significant

4. The Exposure Control Officer (Supervisor) or substitute shall evaluate the significance of the exposure by use of a severity rating system consisting of “Significant,” “Moderate,” and “Minimal” categories of exposure:
   a. Significant exposure occurs whenever a patient’s blood or body fluids contact an employee through a percutaneous inoculation (i.e. needle stick), an open wound, non-intact (chapped, abraded, dermatitic) skin or mucous membrane. The single most common example is a needle stick. Exposure to a patient with active TB, who is not on medication and coughing, without the benefit of appropriate PPE (HEPA Mask) is also in the significant category.
   b. Moderate exposure occurs whenever a patient’s body fluids contact an employee’s mucous membranes. Performing mouth-to-mouth resuscitation or a patient sneezing/coughing into a police officer’s mouth are two examples.
   c. Minimal exposure occurs whenever a patient’s blood or body fluids contact an employee’s intact skin or a patient’s intact skin contacts an employee’s mucus membranes. For example, a police officer arrives on scene without his/her gloves on and a blood-covered child is thrust into his/her hands, or a combative patient sticks a finger into a police officer’s mouth.

5. Once the severity level has been established, it will assist the employee and supervisor in determining whether further treatment and testing is desired for the employee. If the employee does not wish to be evaluated for treatment, return the “Report of Exposure Form” to the designated officer. If further treatment and testing is desired, the employee should proceed to Doctors on Duty, North Fremont Street between the hours of 0800 to 2100. Outside of these hours, proceed to Community Hospital Emergency Room. An employee’s own designated workers compensation physician may be used as an alternative.

6. Workers Compensation paperwork shall be filled out for any exposure requiring treatment or testing.

7. Immediacy is important because pre-hospital personnel who have been exposed to blood or other body fluids may request HIV and Infectious Disease status testing on a source case in
accordance with the Ryan White Act, SB 1239, and receiving facility’s policy. In most cases such a source case will have been transported and this status testing can be done easiest while the source case is still at CHOMP. By county policy, the Report of Exposure MUST be forwarded to the source receiving facility within 48 hours.

8. Make sure the following guidelines are followed:

   a. Bring the “Monterey County Emergency Report of Exposure” form with you to the treating facility for completion by the physician/nurse responsible for your care. RETURN THE FORM TO YOUR DESIGNATED SUPERVISOR. DO NOT LEAVE THE FORM AT THE TREATING FACILITY.

   b. Register at the Patient Registration desk under Worker’s Compensation. The Worker’s Compensation information is automatically forwarded to your employer within five (5) days.

   c. The doctor to whom you are assigned will discuss the facts surrounding the exposure with you and will confirm the level of exposure. If the doctor determines it is appropriate, he/she will order the HIV and/or Infectious Disease testing.

   d. If you have lab tests performed (blood drawn or TB test), you will be scheduled to return for an appointment to discuss test results. MAKE YOUR APPOINTMENT BEFORE YOU LEAVE THE EMERGENCY DEPARTMENT.

   e. Follow Community Hospital Emergency Department’s aftercare instructions for retesting and/or treatment:

      1. Make sure the Emergency Department physician or nurse involved in your care has completed the first three (3) questions, middle section, of the Monterey County Emergency Report of Exposure form. KEEP ALL COPIES INTACT.

      2. Return the Monterey County Emergency Report of Exposure form to your employer’s Designated Officer. Results of testing and/or treatment are confidential between the employee and the Designated Officer. Return paperwork directly to the Designated Officer in a sealed envelope.

      3. Make an appointment for receiving and discussing test results if you’ve had blood drawn or a TB skin test. TB skin tests are evaluated by the Laboratory Department. Return to Doctors on Duty or CHOMP ER for the test results. NO RESULTS WILL BE GIVEN OVER THE TELEPHONE. NO TEST RESULTS WILL BE MAILED TO YOU.

      4. Follow-up with the City’s Worker’s Compensation doctor or the Monterey County Health Department or CHOMP Emergency Department, as instructed, for further treatment.

      5. If you were tested for HIV, it is important that you are re-tested in 6 weeks, 12 weeks, and 6 months from the date of the exposure. You may be re-tested at CHOMP Emergency Department or the Monterey County Health Department.

   f. Under the Ryan White Act, receiving facilities will notify the department’s Designated Officer of any patient treated by members of the department with a diagnosis of an airborne
transmissible disease. When so notified, the Designated Officer will contact the members involved and schedule medical evaluation for them.
Personal Appearance Standards

1021.1 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.

1021.2 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.

1021.2.1 HAIR
Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend over the ear or below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform collar when the employee is standing erect and worn up or in a tightly wrapped braid.

Hair color will be a naturally occurring color with no extreme colors or styles.

1021.2.2 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.

1021.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1021.2.4 FACIAL HAIR
Sideburns, mustaches and eyebrows may be worn in a close cropped professional manner. Mustaches will not extend below the line where the lower and upper lip meet (i.e. no "handle bar" mustaches are authorized). Sideburns will not extend below where the earlobe meets the face.

Beards:
A short and neatly trimmed full beard may be worn. Beards shall be worn in a close-cropped style which creates an overall neat and professional appearance. Beards shall start at mid ear level and cover the natural hairline of the cheeks, chin, and mouth. Beards shall not extend below 1 inch of the jaw line. All facial hair shall be evenly trimmed with a minimum length of 1/8 inch (3.5mm) in length and shall not exceed 1/2 inch (13mm) in length. Beards shall not be trimmed or styled in a way other than those described above. Other facial hair styles such as "goatees," "chin straps," etc. are not permitted. All supervisors will ensure that members whose facial hair growth is not in comportment with this policy are corrected immediately. Employees who decide
Personal Appearance Standards

to grow facial hair shall do so while on vacation or otherwise away from the workplace so as to avoid an unacceptable appearance during early growth.

Staff members that are in a training program, such as the Academy or Field Training Program, are not authorized to wear a beard.

The Police Chief or designee will make the final determination as to whether the facial hair conforms to this policy.

1021.2.5 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. Fingernails shall be trimmed so that no point of the nail extends beyond 1/4 inch of the finger so as to not interfere with the operation and use of equipment or business practices, such as; clothing searches, wearing of plastic gloves, keyboard operation, etc.

Fingernail polish shall be clear or neutral and subtle in color. If fingernail polish is worn, all fingernails shall be of the same color. No other ornamentation (designs, letters, etc.) shall be part of the fingernail.

1021.2.6 JEWELRY AND ACCESSORIES
For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed. No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual.

(a) Necklaces shall not be visible above the shirt collar.
(b) Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or a designee.
(c) Female officers may wear one post earring in each ear and only in or on the earlobe.
(d) Only one ring or ring set may be worn on each hand of the employee while on-duty. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
(e) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
(f) Wristwatches shall present a professional image.
(g) Tie tacks or tie bars worn with civilian attire shall present a professional image.

1021.3 TATTOOS
While on duty or representing the Department in any official capacity, employees shall 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 that exhibit or advocate discrimination; those that exhibit gang,
supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material).

1021.4 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.

1021.5 EXEMPTIONS
Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.
Uniform Regulations

1022.1 PURPOSE AND SCOPE
The uniform policy of the Monterey Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property
Body Armor
Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police and maintained by the Administration Division Commander. The manual should be consulted regarding authorized equipment and uniform specifications.

The Monterey Police Department will provide uniforms or uniform pay for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group’s collective bargaining agreement.


1022.2 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 (Penal Code § 13655).

(d) The uniform is to be worn in compliance with the specifications set forth in the department’s uniform specifications that are maintained separately from 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.
Uniform Regulations

(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) Mirrored sunglasses will not be worn with any Department uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
   1. Wrist watch
   2. Wedding ring, class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
   3. Medical alert bracelet

1022.2.1 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. All employees are issued personal business cards. If the presentation of a business card would serve the same purpose, a business card shall be given to the person upon request.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

Identification cards shall be kept updated. New identification cards are required in the following circumstances:

(a) When a new Chief of Police is appointed.

(b) When an employee is promoted.

1022.3 UNIFORM CLASSES

1022.3.1 CLASS A UNIFORM
The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve wool shirt with tie

(b) Standard military crease wool dress pants

(c) Polished shoes or boots (pointed toes are not allowed)
Uniform Regulations

(d) Eight point uniform hat
(e) "Ike" jacket (required for command staff only)

1022.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open (no tie is required).
(b) Hat and jacket are not required.
(c) A black crew neck t-shirt must be worn with the uniform
(d) All pants LAPD blue, wool, wash and wear or LAPD blue cargo pants
(e) All shirt buttons must remain buttoned except for the last button at the neck
(f) Shoes or boots as described in the Class A uniform (pointed toes are not permitted).
(g) Completely black shoes (as approved).

1022.3.3 CLASS C UNIFORM
A Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform.

1022.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize specialized uniforms to be worn by officers in specialized units such as SRU, Bicycle Patrol, Motor Officers and other specialized assignments. All requests for a specialized uniform shall be submitted on a memorandum through the chain of command. No specialized uniform shall be worn until authorized by the Chief of Police.

1022.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications Manual lists the authorized uniform jacket(s) and rain gear.

1022.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes, etc. - Service stripes for length of service may be worn on long sleeved shirts and jackets. One service stripe will be worn for each 5 years of law enforcement service. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with
Uniform Regulations

the rear of the service stripes sewn on the dress of the sleeve. Service stripes will be worn on the left sleeve only.

(c) Name plates - The regulation name plate, or an authorized sewn on cloth or embroidered name plate, shall be worn at all times while in uniform (dependent on the uniform worn). The nameplate shall display the employee's last name. The name plate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the name plate to the outer edge of the pocket.

(d) All weather jackets, night jackets etc., may have a sewn on cloth or embroidered nameplate affixed to the jacket in the same manner as the uniform.

(e) Insignia Pins - two insignia pins (SRU, FTO, CIT, EMT, etc.) may be worn above or below the name plate (one in each location) on the right side of the uniform shirt as described in the Uniform and Equipment Specifications Manual.

(f) Department Awards - Department awards insignia will be worn centered above the nameplate.

(g) Flag Pin - A flag pin may be worn, centered on the left breast pocket 1/2 inch below the pocket seam.

(h) Badge - The department issued badge, or an authorized sewn on cloth replica (described in the Uniform and Specifications Manual), must be worn and visible at all times while in uniform.

(i) Rank Insignia - The designated insignia indicating the employee’s rank must be worn at all times while in uniform.

1022.4.1 MOURNING BADGE
Uniformed employees shall wear a black mourning band across the uniform badge when a law enforcement officer is killed in the line of duty. The mourning band will be worn from the space between the 1st and 2nd point of the badge closest to the left shoulder and extended diagonally to the 5th point on the bottom of the badge. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1022.5 CIVILIAN ATTIRE
There are assignments within the Department both sworn and professional (non-sworn) that do not require the wearing of a uniform. There are also assignments in which the wearing of civilian attire
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is necessary. The Chief of Police will determine when members do not need to wear a uniform. Members will comply with the following when authorized to wear civilian clothing:

(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 authorized to wear civilian clothing shall wear button style shirts with a collar, slacks or suits or sports coats that are moderate in style.

(c) All female administrative, investigative, and support personnel authorized to wear civilian clothing shall wear dresses, slacks, shirts, blouses, or suits or blazers which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed sandals or shoes
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins
6. Clothing items with reference(s) to alcohol or drugs or that may be perceived as such

(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 may require a deviation from this policy.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Monterey Police Department or the morale of the Department.

(g) While in civilian clothing and carrying a firearm, all sworn personnel shall carry their badge and Department identification on their person. Sworn personnel will cover their firearm (with an outer shirt, jacket, etc.) when in a public location away from the Police Department.

1022.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Monterey 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 Monterey Police Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.
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(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.

1022.7 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 policy as "optional" shall be replaced 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.

1022.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Monterey 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.

Monterey 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 in writing by the Chief of Police or designee.

1022.9 EMPLOYEE AND SUPERVISORIAL RESPONSIBILITY

Primary responsibility for complying with the uniform standards rests with each Department employee.

Each supervisor is responsible for ensuring that each employee under their command complies with the uniform policy. Each supervisor in command of a uniformed detail will conduct a uniform inspection once per month.

Their will be a department-wide formal uniform inspection one time per year.

1022.10 RETIREES

Honorable retired members of the Monterey Police Department are authorized to wear their Class A uniforms to funerals of fallen officers, or an event specifically authorized by the Chief of
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Police. The permission to wear the uniform of the Monterey Police Department is discretionary on the part of the Chief of Police and permission may be withdrawn. All retirees must conform to all California laws as it relates to possession of firearms. Retirees are required to notify the Watch Commander or officer in charge of the event so they may be included as part of the Monterey Police Department.
Nepotism and Conflicting Relationships

1023.1 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.

1023.1.1 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.

1023.2 RESTRICTED DUTIES AND ASSIGNMENTS
The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train.

(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.

1023.2.1 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 supervisor shall promptly notify a command officer to provide direction.

1023.2.2 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
Nepotism and Conflicting Relationships

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

1024.1 PURPOSE AND SCOPE
The Monterey Police Department badge and uniform patch as well as the likeness of these items and the name of the Monterey Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1024.2 POLICY
The uniform badge shall be issued to department members as a symbol of authority and identification, 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.

1024.2.1 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 Monterey 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 Department Owned and Personal Property Policy.

(c) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1024.2.2 PROFESSIONAL STAFF 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. Police Services Technician, Community Services Officer, etc.).

(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.
Department Badges

1024.2.3 RETIREE UNIFORM BADGE
Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1024.2.4 RETIREE BADGES
The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Monterey Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Police 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 word “Retired” clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Monterey Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1024.3 UNAUTHORIZED USE
Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and professional staff uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, 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.

1024.4 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 Monterey 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.
Department Badges

2. The badge number portion displays the acronym of the employee association.
   
   (b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.
Temporary Modified-Duty Assignments

1025.1 PURPOSE AND SCOPE
This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1025.2 POLICY
Subject to operational considerations, the Monterey Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1025.3 GENERAL CONSIDERATIONS
Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Monterey Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1025.4 PROCEDURE
Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.
Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commander. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.
(b) The prognosis for recovery.
(c) The nature and scope of limitations and/or work restrictions.
(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will forward the request through the chain of command to the Chief of Police. Consideration will be given to temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.


See attachment: 10250 Limited Duty Assignment Prior 8501- Temporary.pdf

1025.5 ACCOUNTABILITY
Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee’s medical appointments, as mutually agreed upon with the Division Commander.

1025.5.1 EMPLOYEE RESPONSIBILITIES
The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.
1025.5.2 SUPERVISOR RESPONSIBILITIES
The employee’s immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1025.6 MEDICAL EXAMINATIONS
Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1025.7 PREGNANCY
If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee’s right to a temporary modified-duty assignment if required under Government Code § 12945.

1025.7.1 NOTIFICATION
Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City’s personnel rules and regulations regarding family and medical care leave.

1025.8 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty subject to approval by the Director, or designee, of Human Resources.

1025.9 MAINTENANCE OF CERTIFICATION AND TRAINING
Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification,
Temporary Modified-Duty Assignments

training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications. The supervisor will make notification through the chain of command to the Administration Division Commander.
Employee Speech, Expression and Social Networking

1026.1 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.

1026.1.1 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.

1026.2 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 Monterey 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.

1026.3 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 Monterey 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.
- Otherwise disclosing where another officer can be located off-duty.

1026.4 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 Monterey 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 Monterey Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Monterey 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 Monterey 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 Monterey Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).

2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1026.4.1 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 Monterey Police Department or identify themselves in any way that could be reasonably perceived as representing the Monterey 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 Monterey Police Department.
Employee Speech, Expression and Social Networking

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).

1026.5 PRIVACY EXPECTATION
Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1026.6 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.

1026.7 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.
Illness and Injury Prevention

1027.1 PURPOSE AND SCOPE
The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Monterey Police Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1027.2 POLICY
The Monterey Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will work with City Human Resources to establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1027.3 ILLNESS AND INJURY PREVENTION PLAN
The Administration Division Commander is responsible for working with City Human Resources in developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.
(b) Regularly scheduled safety meetings.
(c) Posted or distributed safety information.
(d) A system for members to anonymously inform management about workplace hazards.
(e) Establishment of a safety and health committee that will:
   1. Meet regularly.
   2. Prepare a written record of safety and health committee meetings.
   3. Review the results of periodic scheduled inspections.
   4. Review investigations of accidents and exposures.
   5. Make suggestions to command staff for the prevention of future incidents.
   6. Review investigations of alleged hazardous conditions.
   7. Submit recommendations to assist in the evaluation of member safety suggestions.
   8. Assess the effectiveness of efforts made by the Department to meet relevant standards.
Illness and Injury Prevention

(f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

See attachment: IIPP Final 08-2017.pdf

See attachment: IIPP Appendices Final 08-2017.pdf

1027.4 ADMINISTRATION DIVISION COMMANDER RESPONSIBILITIES
The responsibilities of the Administration Division Commander include but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
   1. New member orientation that includes a discussion of safety and health policies and procedures.
   2. Regular member review of the illness and injury prevention plan.
   3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
   1. Informing members of the illness and injury prevention guidelines.
   2. Recognizing members who perform safe work practices.
   3. Ensuring that the member evaluation process includes member safety performance.
   4. Ensuring department compliance to meet standards regarding the following:
      (a) Respiratory protection (8 CCR 5144)
      (b) Bloodborne pathogens (8 CCR 5193)
      (c) Aerosol transmissible diseases (8 CCR 5199)
      (d) Heat illness (8 CCR 3395)
      (e) Emergency Action Plan (8 CCR 3220)
      (f) Fire Prevention Plan (8 CCR 3221)
      (g) Hazards associated with wildfire smoke (8 CCR 5141.1)

(e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
Illness and Injury Prevention

(f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member’s name or other identifier, training dates, type of training, and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

See attachment: Monterey Exposure Control Plan 01-2018.pdf

1027.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administration Division Commander.

(e) Notifying the Administration Division Commander when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.

2. New, previously unidentified hazards are recognized.

3. Occupational illnesses and injuries occur.

4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.

5. Workplace conditions warrant an inspection.

1027.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.
Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administration Division Commander via the chain of command.

The Administration Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1027.7 INSPECTIONS
Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administration Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1027.7.1 EQUIPMENT
Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete a memorandum to their immediate supervisor if an unsafe condition cannot be immediately corrected.

1027.8 INVESTIGATIONS
Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.
(b) An interview of the injured member and witnesses.
(c) An examination of the workplace for factors associated with the accident/exposure.
(d) Determination of the cause of the accident/exposure.
(e) Corrective action to prevent the accident/exposure from reoccurring.
(f) Documentation of the findings and corrective actions taken.
(g) Completion of an Investigation/Corrective Action Report form.
(h) Completion of an Identified Hazards and Correction Record form.
Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1027.9 TRAINING
The Administration Division Commander shall work with the City Human Resources Department to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
(b) To all members with respect to hazards specific to each member’s job assignment.
(c) To all members given new job assignments for which training has not previously been provided.
(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1027.9.1 TRAINING TOPICS
The Personnel & Training supervisor shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
(b) Use of appropriate clothing, including gloves and footwear.
(c) Use of respiratory equipment.
(d) Availability of toilet, hand-washing and drinking-water facilities.
(e) Provisions for medical services and first aid.
(f) Handling of bloodborne pathogens and other biological hazards.
(g) Prevention of heat and cold stress.
(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
(k) Back exercises/stretches and proper lifting techniques.
(l) Avoidance of slips and falls.
(m) Good housekeeping and fire prevention.
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(n) Other job-specific safety concerns.

1027.10 RECORDS
Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.
Line-of-Duty Deaths

1028.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members of the Monterey Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member’s survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1028.1.1 DEFINITIONS
Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a professional staff member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual’s relationship with the member and whether the individual was previously designated by the deceased member.

1028.2 POLICY
It is the policy of the Monterey Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1028.3 INITIAL ACTIONS BY COMMAND STAFF
(a) Upon learning of a line-of-duty death, the deceased member’s supervisor should provide all reasonably available information to the Watch Commander and Monterey County Emergency Communications Center (Dispatch).

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Watch Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1028.4 NOTIFYING SURVIVORS
Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member’s emergency contact information and make accommodations to respect the member’s wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member’s wishes.

The Chief of Police, Watch Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child’s age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor’s workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.
Line-of-Duty Deaths

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor’s names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Monterey Police Department members may be apprised that survivor notifications are complete.

1028.4.1 OUT-OF-AREA NOTIFICATIONS
The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member’s survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1028.5 NOTIFYING DEPARTMENT MEMBERS
Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.
1028.6 LIAISONS AND COORDINATORS
The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

(a) Department Liaison.
(b) Hospital Liaison.
(c) Survivor Support Liaison.
(d) Wellness Support Liaison.
(e) Funeral Liaison.
(f) Mutual aid coordinator.
(g) Benefits Liaison.
(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1028.6.1 DEPARTMENT LIAISON
The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member’s survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison’s responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors’ needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
(e) Coordinating all official law enforcement notifications and arrangements.
(f) Making necessary contacts for authorization to display flags at half-mast.
(g) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.
(h) Coordinating security checks of the member’s residence as necessary and reasonable.
Line-of-Duty Deaths

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1028.6.2 HOSPITAL LIAISON
The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:
   1. The survivors and others whose presence is requested by the survivors.
   2. Department members and friends of the deceased member.
   3. Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member’s survivors or Monterey Police Department members (except for members who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the member before information is released to others.

(d) Arrange for survivors to have private time with the member, if requested.
   1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
   2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member’s residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

• Arranging transportation for the survivors back to their residence.

• Working with investigators to gather and preserve the deceased member’s equipment and other items that may be of evidentiary value.

• Documenting his/her actions at the conclusion of his/her duties.

1028.6.3 SURVIVOR SUPPORT LIAISON
The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member’s Division Commander. The following should be considered when selecting the Survivor Support Liaison:
Line-of-Duty Deaths

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
   1. Items should not be delivered to the survivors until they are ready to receive the items.
   2. Items not retained as evidence should be delivered in a clean, unmarked box.
   3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
   4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
   1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.

(h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
Line-of-Duty Deaths

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim’s assistance personnel, and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1028.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive wellness support.

(c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.
Line-of-Duty Deaths

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1028.6.5 FUNERAL LIAISON
The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison’s responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
   (a) Casket watch
   (b) Color guard
   (c) Pallbearers
   (d) Bell/rifle salute

2. Bagpipers/bugler

3. Uniform for burial

4. Flag presentation

5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1028.6.6 MUTUAL AID COORDINATOR
The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for but not limited to:

(a) Traffic control during the deceased member’s funeral.

(b) Area coverage so that as many Monterey Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform the coordinator’s duties in accordance with the Outside Agency Assistance Policy.
1028.6.7 BENEFITS LIAISON
The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
   1. Public Safety Officers’ Benefits (PSOB) Programs.
   2. Public Safety Officers’ Educational Assistance (PSOEA) Program.
   3. Social Security Administration.
   4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits, such as:
   1. Education benefits (Education Code § 68120).

(d) Researching and assisting survivors with application for other survivor benefits such as:
   1. Private foundation survivor benefits programs.
   2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
   1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1028.6.8 FINANCE COORDINATOR
The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:
(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:
1. Paying survivors’ travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member’s survivors.

(d) Providing accounting and cost information as needed.

1028.7 PUBLIC INFORMATION OFFICER
In the event of a line-of-duty death, the department’s PIO should be the department’s contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department members are instructed to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.
   1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
   2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member’s survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member’s survivors with media inquiries.
   1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member’s survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.
**Line-of-Duty Deaths**

**1028.8 DEPARTMENT CHAPLAIN**
The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

**1028.9 INVESTIGATION OF THE INCIDENT**
The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

**1028.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**
The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

**1028.11 NON-LINE-OF-DUTY DEATH**
The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

**1028.12 ATTENDANCE AT OUTSIDE JURISDICTION FUNERALS**
It shall be the policy of this Department to encourage and to permit the attendance of uniformed officers at funerals conducted for law enforcement officers. Such attendance will be allowed based on availability of resources and personnel coverage requirements.

1028.12.1 PROCEDURE
This Department may provide vehicles and personnel, both on duty and off duty, as is consistent with maintaining protection of the public.
Line-of-Duty Deaths

It shall be the responsibility of the Patrol Commander to appoint an Officer in Charge of any funeral detail assembled under this provision. The Officer in Charge shall be responsible for the conduct of the detail at all times enroute, while at the funeral location, and returning to the City of Monterey. While engaged in the funeral services and/or procession, the detail will position itself and conduct itself as desired by the agency conducting the funeral.

In cases where off-duty personnel voluntarily attend a funeral, no overtime salary or benefits shall be paid.

1028.12.2 EXPENSES
A. Monterey County: The City of Monterey shall provide sufficient vehicles to transport our assigned contingent throughout this area, and there shall be no additional expenses incurred or reimbursed by the City.

B. Central California
   1. The City of Monterey may provide either two (2) motorcycles or one (1) marked patrol unit for transportation and participation, including all reasonable gasoline and associated vehicular expenses.
   2. Overnight accommodations may be needed occasionally.

C. Remaining Area: Within this area, the City of Monterey may elect to provide a vehicle to our participating personnel.
   1. Included may be all reasonable and necessary vehicular expenses.
   2. When the Police Chief directs such participation, he/she will decide what attending expenses, if any are appropriate and to what extent the City will reimburse such expenses.

1028.12.3 UNIFORMS
A. Motorcycle Officers: When authorized motorcycle officers participate on their motorcycles, the uniform shall consist of:
   1. Duty helmet, leather jacket, long-sleeved uniform shirt, white scarf or black tie, motorcycle breeches, motorcycle boots, and leather motorcycle gloves.
   2. A full-duty gun belt shall be worn.

B. All Other Uniformed Personnel: All other uniformed personnel participating shall wear:
   1. Long-sleeved duty uniform shirt, black tie, uniform trousers, black socks, black shoes, and full-duty gun belt.
   2. In some instances, white gloves may be specified and, when so ordered and furnished by the City. All participating officers shall wear the white gloves during the service and/or the procession.

C. Civilian attire shall be a suit/coat with tie.
On-Call, Call-Out and Response Policy

1029.1 PURPOSE
To set forth criteria and a procedure whereby on-call personnel and other resources shall be available for call-out and response as may be required for major incidents or other circumstances.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, On-Call, Call-Out and Response Procedures.

See attachment: 10290 On-Call Call-Out and Response Procedures Priof 0207.pdf
Vacation and Other Time Off

1030.1 POLICY
The scheduling of vacation and other time off is governed by the Personnel Rules and Regulations and each Memorandum of Understanding (MOU). It is the policy of this Department to grant vacation and time off in a fair and equitable manner with a minimal impact to the mission of the Department.

The intent of this policy is to provide adequate coverage during planned absences of staff without jeopardizing the mission of the Department and to do so without incurring undue expense to the City. This policy and the procedures related to it are to be considered a guideline when making decisions on staffing. It is clearly recognized that special circumstances do arise that will not fit this policy. In those cases, the Division Lieutenants may deviate from this guideline to accommodate a given situation.

There are certain events which occur annually in Monterey that require maximum personnel involvement. During those events, vacations and other requests for time off may be denied in order to meet staffing requirements of the event.

Monterey City Code §25-12.01(d) Vacation reads, The department head and employee shall schedule the times at which vacation leave is to be taken with due consideration being given to the desires of the employee and the operational needs of the department. Use of vacation leave in less than fifteen (15) minute increments shall not be permitted. Scheduling of vacation shall be in accordance with any established departmental policy and subject to department head approval. The decision of the department head shall be final.

The Monterey Police Department Procedural Manual describes the procedures related to this policy in the section titled, Vacation and Other Time off.

See attachment: 10300 Vacation and Other Time Off Prior 9201.pdf

See attachment: 10300 Exchange Day Request Prior 9201.pdf
Wellness Program

1031.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1031.1.1 DEFINITIONS
Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1031.2 POLICY
It is the policy of the Monterey Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1031.3 WELLNESS COORDINATOR
The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, City Human Resources, Monterey County Behavioral Health, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

(a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).

1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
Wellness Program

2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

(b) Developing management and operational procedures for department peer support members, such as:

1. Peer support member selection and retention.
2. Training and applicable certification requirements.
3. Deployment.
4. Managing potential conflicts between peer support members and those seeking service.
5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.

(c) Verifying members have reasonable access to peer support or licensed psychotherapist support.

(d) Establishing procedures for CISDs, including:

1. Defining the types of incidents that may initiate debriefings.
2. Steps for organizing debriefings.

(e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

(f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:

1. Obtaining a written description of the program services.
2. Providing for the methods to obtain program services.
3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

1031.4 DEPARTMENT PEER SUPPORT
The Monterey Police Department Procedure Manual describes procedures related to this policy in the section titled, Peer Support Team and CISM.
Wellness Program

See attachment: 10310 Peer Support and CISM Prior 3050 Critical Incident Stress Management Prior 9901.pdf

1031.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA
The selection/ removal of a department peer support member will be at the discretion of the Chief of Police. Selection will be through a recruitment/nomination and interview process and should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1031.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES
The responsibilities of department peer support members include:

(a) Providing pre- and post-critical incident support.
(b) Presenting department members with periodic training on wellness topics, including but not limited to:
   1. Stress management.
   2. Suicide prevention.
   3. How to access support resources.
(c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
   1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.
(d) Attending bi-monthly meetings
(e) Upholding strict confidentiality.

1031.4.3 PEER SUPPORT MEMBER TRAINING
A department peer support member should complete department-approved training and the 3-day POST-certified "Peer Support" training, prior to being assigned.

1031.5 CRITICAL INCIDENT STRESS DEBRIEFINGS
A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.
The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

1031.6 PEER SUPPORT COMMUNICATIONS
Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program).

1031.7 PHYSICAL WELLNESS PROGRAM
The City offers a *Fitness Plan* which is described in the respective Memorandum(s) of Understanding, related to physical wellness.

1031.8 WELLNESS PROGRAM AUDIT
At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and if warranted prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should contemplate information such as the following:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

If a report is completed the coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

1031.9 TRAINING
The coordinator or the authorized designee should collaborate with the Personnel/IA Sergeant (Training) to provide all members with regular training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
Wellness Program

- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Personnel/IA Sergeant (Training) as appropriate for inclusion in training records.
An act to amend Sections 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of, the Government Code, and to repeal Section 11369 of the Health and Safety Code, relating to law enforcement.

[ Approved by Governor October 05, 2017. Filed with Secretary of State October 05, 2017. ]

LEGISLATIVE COUNSEL’S DIGEST

SB 54, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill would apply those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities. The bill would require, by October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill would require, among others, all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that, among others, all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to the Department of Justice, as specified. The bill would require the Attorney General, by March 1, 2019, and annually thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General’s Internet Web site. The bill would require law
enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill would require the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill would require the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools and local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority  Appropriation: no  Fiscal Committee: yes  Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7282 of the Government Code is amended to read:

SEC. 2. Section 7282.5 of the Government Code is amended to read:
7282.5. (a) A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). Additionally, the specific activities described in subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under the following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

   (A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

   (B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

   (C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

   (D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

   (E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

   (F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

   (G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

   (H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

   (I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

   (J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

   (K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

   (L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

   (M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

   (N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

   (O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

   (P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

   (Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and
12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653] and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

(6) In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

(b) In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.

SEC. 3. Chapter 17.25 (commencing with Section 7284) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.25. Cooperation with Immigration Authorities

7284. This chapter shall be known, and may be cited, as the California Values Act.

7284.2. The Legislature finds and declares the following:
(a) Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.

(b) A relationship of trust between California’s immigrant community and state and local agencies is central to the public safety of the people of California.

(c) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.

(d) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.

(e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status. See Sanchez Ochoa v. Campbell, et al. (E.D. Wash. 2017) 2017 WL 3476777; Trujillo Santoya v. United States, et al. (W.D. Tex. 2017) 2017 WL 2896021; Moreno v. Napolitano (N.D. Ill. 2016) 213 F. Supp. 3d 999; Morales v. Chadbourne (1st Cir. 2015) 793 F.3d 208; Miranda-Olivares v. Clackamas County (D. Or. 2014) 2014 WL 1414305; Galarza v. Szalczyk (3d Cir. 2014) 745 F.3d 634.

(f) This chapter seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state’s limited resources to matters of greatest concern to state and local governments.

(g) It is the intent of the Legislature that this chapter shall not be construed as providing, expanding, or ratifying any legal authority for any state or local law enforcement agency to participate in immigration enforcement.

7284.4. For purposes of this chapter, the following terms have the following meanings:

(a) “California law enforcement agency” means a state or local law enforcement agency, including school police or security departments. “California law enforcement agency” does not include the Department of Corrections and Rehabilitation.

(b) “Civil immigration warrant” means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

(c) “Immigration authority” means any federal, state, or local officer, employee, or person performing immigration enforcement functions.

(d) “Health facility” includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.

(e) “Hold request,” “notification request,” “transfer request,” and “local law enforcement agency” have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other immigration authorities.

(f) “Immigration enforcement” includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States.

(g) “Joint law enforcement task force” means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal law enforcement agency in investigating federal or state crimes.

(h) “Judicial probable cause determination” means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.

(i) “Judicial warrant” means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest.
and take into custody the person who is the subject of the warrant.

(j) "Public schools" means all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and the California Community Colleges.

(k) "School police and security departments" includes police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts.

7284.6. (a) California law enforcement agencies shall not:

(1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual’s immigration status.

(B) Detaining an individual on the basis of a hold request.

(C) Providing information regarding a person’s release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

(D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

(E) Making or intentionally participating in arrests based on civil immigration warrants.

(F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

(2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(3) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(4) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

(5) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

(6) Contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with Section 7310).

(b) Notwithstanding the limitations in subdivision (a), this section does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers to immigration authorities are permitted under this subsection only in accordance with paragraph (4) of subdivision (a).

(2) Responding to a request from immigration authorities for information about a specific person’s criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETs), where otherwise permitted by state law.
(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:

(A) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.

(C) Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.

(4) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

(5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

(A) The purpose of the task force.

(B) The federal, state, and local law enforcement agencies involved.

(C) The total number of arrests made during the reporting period.

(D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer, pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

(d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General’s report. The Attorney General shall post the reports required by this subdivision on the Attorney General’s Internet Web site.

(e) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.
7284.8. (a) The Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an equivalent policy. The Agricultural Labor Relations Board, the Division of Workers’ Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

(b) For any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, the Attorney General shall, by October 1, 2018, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the purpose of immigration enforcement. All state and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with that guidance.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), the Department of Justice may implement, interpret, or make specific this chapter without taking any regulatory action.

7284.10. (a) The Department of Corrections and Rehabilitation shall:

(1) In advance of any interview between the United States Immigration and Customs Enforcement (ICE) and an individual in department custody regarding civil immigration violations, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

(2) Upon receiving any ICE hold, notification, or transfer request, provide a copy of the request to the individual and inform him or her whether the department intends to comply with the request.

(b) The Department of Corrections and Rehabilitation shall not:

(1) Restrict access to any in-prison educational or rehabilitative programming, or credit-earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

(2) Consider citizenship and immigration status as a factor in determining a person’s custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

7284.12. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. Section 11369 of the Health and Safety Code is repealed.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
8010 Telephone Radio Video Surveillance Recording Prior 0801.pdf
I. POLICY

It shall be the policy of the Department to record specifically identified telephone lines, radio frequency transmissions and surveillance cameras located at the department on a continuous 24/7 basis. These recordings may be interrupted from time-to-time by malfunctions, other unforeseen circumstances, or downtime for maintenance and repairs. These recordings may be utilized for criminal investigations, risk management, training, resolving disputes with the public, and to aid in the investigation of personnel complaints. The Support Division Police Services Manager shall be the designated system administrator for these recording devices.

Access to recorded information by Department employees shall require a manager’s approval and shall be for legitimate, business-related reasons. All other requests for recorded data shall be made pursuant to the Public Records Act (PRA), subpoena, or other court order and shall be responded to within the guidelines and the relevant policies of the Department and the City of Monterey.

The Police Services Manager shall generally be responsible to retrieve all approved requests. A Police Records Detention Supervisor (PRDS) or the Investigations Sergeant will be the alternate if the information is needed immediately and the Police Services Manager is not available.

Recorded information shall be retained in accordance with the City of Monterey’s Record Retention Schedule. Currently, recorded telephone and radio communications shall be retained for a minimum of 180 days. Recorded video shall be retained for a minimum of 13 months.

Sworn members of the Department may continue to record telephone conversations on any telephone line, without advising the involved parties, if it is for a criminal investigation. A copy of the recording shall be booked as evidence. Recording these types of calls shall be consistent with state and federal laws and guidelines.

II. Background

The recording of audio and visual data is a common practice in law enforcement. The Police Department began recording radio transmissions and selected telephone lines in 2006, and closed circuit video of the Jail area in 2007. All such video, radio transmissions and the following telephone lines are recorded on a continuous, 24/7 basis:
Records (646-3830, 646-3831, 646-3832 & 646-3833)
Watch Commander’s Office (646-3824 & 646-3825)
Jail (646-3828)

The telephone lines listed above incorporate an audible tone that sounds every fourteen seconds. This tone is a universal alert that the line is being recorded. Department members are not required to advise callers that these lines are being recorded.

III. PROCEDURE

A. Requests made by Department Personnel

1. Department members that require access to recorded data will prepare a written memorandum and include the following information, if applicable: date, time, involved personnel, telephone extension, Computer Aided Dispatch incident number or case number and the reason for the request.

2. The request will be reviewed by a supervisor and approved for retrieval by a manager. The manager will indicate approval or denial and print the date and their name on the request.

3. If approved, the data will be retrieved by the Police Services Manager or PRDS, saved to the appropriate storage format and provided to the requestor. The person completing the data retrieval will print their name and date on the request when complete.

4. Data obtained for a criminal investigation will be booked as evidence. The approved request will be scanned to the electronic case file.

5. All completed and approved requests shall be forwarded to the Support Division Police Services Manager to keep on file.

B. Requests made by Criminal Justice professionals

1. Criminal Justice professionals requesting copies of radio transmissions shall be directed to the Monterey County Communications Center since they hold proprietary control over this material.

2. Requests by members of the District Attorney’s Office shall be forwarded to the Investigations Supervisor who will review the request, obtain a manager’s approval and forward the information as indicated. The Investigations Supervisor shall make an appropriate entry in the electronic case folder that the information was released and to whom.

3. Requests made by the Public Defender’s Office, any private practice
attorney or their investigators shall be released only pursuant to a subpoena or discovery order. The request shall be forwarded to the Investigations Supervisor who will review the request, obtain a manager’s review and respond as directed. The Investigations Supervisor shall make the appropriate entry in the related electronic case folder that the information was released and to whom. The Investigations Supervisor will notify either the District Attorney’s office or the City Attorney’s Office with details of the release as appropriate.

4. Requests associated with a specific case report shall be scanned to the appropriate electronic case file.

5. The Support Division Police Services Manager shall maintain a file of all requests that are not associated with a specific case report.

C. **Requests made pursuant to the Public Records Act (PRA)**

1. Members of the public that request copies of radio transmissions shall be directed to the Monterey County Communications Center since they hold proprietary control over the material.

2. Members of the public requesting copies of recorded telephone or video data must submit their request in writing specifying the date, time of the event, the involved employee (if known), and the reason for the request. These requests will be forwarded to the Police Department’s Public Information Officer who will confer with the concerned Deputy Police Chief and the City Attorney prior to releasing any information.

3. The Support Division Police Services Manager shall maintain a file of all PRA requests and the response to such requests.

D. **Use of Recorded Material**

Copies of recorded material shall be utilized only for official use and the originally authorized purpose. All copies of recorded material shall be returned to the Police Services Manager if the items are not booked as evidence, provided in response to a PRA request or provided in response to a subpoena or other court order.

TIM SHELBY
Chief of Police

Original: May 2008
Attachment

Monterey PD Policy Manual
Monterey PD Policy Manual

4160 Field Training Officer Policy Prior 8809.pdf
I. PURPOSE

   A. The purpose of the Field Training Officer Program is to facilitate a police officer’s transition from the academic setting to performance of general patrol duties within the Department. The objective is to develop the probationary officer into a solo beat officer, capable of handling the day-to-day calls with a minimum of assistance.

   B. The Field Training Program introduces a newly assigned officer to the personnel, procedures, policies and purposes of the Department and provides the initial formal and informal training that will enable an officer to perform required duties.

II. POST ACCREDITATION

Monterey Police Department’s Field Training Program is an accredited program through POST and will strive to maintain that accreditation by adhering to the standards/requirements for the field training programs established by law enforcement agencies through Sections 1005(a)(1) and (a)(2) of the POST Administrative Manual.

III. POSITIONS AND ROLES

   A. FTO LIEUTENANT

      1. SELECTION:

         a. The Field Operations Deputy Chief, with the approval of the Chief of Police, will select the FTO Lieutenant.

         b. The Lieutenant will have command responsibility for the FTO training and evaluation process and will continue in this capacity at the discretion of the Field Operations Deputy Chief and the Chief of Police.

      2. ROLE

         a. Be involved in the selection of FTOs with the FTO Sergeants.

         b. The Lieutenant will make such selection recommendations to the Field Operations Deputy Chief.
c. Coordinate with the FTO Sergeants on the assignment of trainees to the FTOs.

d. Upon completion, a recommendation is made to the Field Operations Deputy Chief and Chief of Police on assigning the trainee to a regular platoon assignment, extension in the program, or termination.

e. Arrange and provide training for the FTO Sergeants and FTOs.

B. FTO SERGEANT

1. SELECTION

a. FTO Sergeants are recommended by the FTO Lieutenant and Field Operations Deputy Chief.

b. The final selection is made by the Chief of Police.

c. Two patrol Sergeants will be selected to supervise the program.

d. The FTO Sergeant(s) will successfully complete a P.O.S.T. certified supervisor/administrator course within one (1) year of appointment.

e. They will serve at the direction of the FTO Lieutenant and the Field Operations Deputy Chief.

2. ROLE

a. Assist in the selection of the FTOs.

b. Provide training for the FTOs.

c. Supervise the FTOs while they are training.

d. Conduct regularly scheduled meetings to evaluate the program and trainee’s progress.

e. Assign the trainee to the FTOs for the scheduled training.

f. Review the progress of the trainees’ training and consult with the FTOs regularly.

g. Upon completion of the program, a recommendation is made to the FTO Lieutenant regarding regular platoon assignment, extension in the program, or termination of the trainee.
h. Evaluate the FTOs performance and make recommendations to the FTO Lieutenant.

C. FIELD TRAINING OFFICERS

1. QUALIFICATION REQUIREMENTS

   a. A minimum of three (3) years of sworn law enforcement experience.

   b. A minimum of 18 months of sworn law enforcement experience with the Monterey Police Department, including one (1) year minimum of patrol experience.

   c. A Basic P.O.S.T. certificate.

   d. Those who have also exhibited above standard field performance.

   e. Those who are considered “role models.”

   f. Those who have demonstrated the ability and willingness to train others.

2. SELECTION

   a. Those interested will submit a memorandum, with a resume, stating their qualifications, and reasons for desiring the appointment.

   b. The application shall be submitted through their supervisor and directed to the FTO Lieutenant.

   c. The FTO Lieutenant and FTO Sergeants will conduct an oral interview.

   d. A written exercise to measure skills may also be required.

   e. The Field Operations Deputy Chief and Chief of Police will determine final approval of those recommended.

   f. Those selected will be sent to a P.O.S.T. certified FTO course and successfully complete it before being appointed as an FTO.

   g. All FTOs will successfully complete a P.O.S.T. certified update course every three (3) years.

   h. The Field Training Officer assignments are generally for three (3) years. As a position becomes available, those eligible, including the officer vacating the assignment, may apply and be considered. All
Field Training Officer Program

applicants must participate in the FTO selection process as outlined in Section C.2 of this directive. There will be no limitation as to the number of consecutive times that an officer may be selected to serve in an FTO assignment.

i. The Department is authorized a maximum of six FTO positions.

3. ROLE

a. Give daily assistance and guidance to the trainee to help improve the trainee’s overall performance with the goal of successfully completing the program.

b. Complete Daily Observation Reports, which objectively assess performance and articulates methods of improvement as needed.

c. Develop and administer written tests to evaluate the trainee’s progress.

d. Daily Observation Reports and test results will be forwarded to the FTO Sergeant. The intent is to project an image that the success of the trainee is a team effort that is shared by all within the program.

e. Inform and correct any inappropriate behavior of the trainee.

f. Keep the FTO Sergeants continuously informed on the progress of the recruit.

g. Conduct in-service training and complete additional projects as assigned.

h. At the completion of the training period, prepare a written recommendation to the FTO Sergeant(s) regarding the trainee’s success/failure in the program.

i. Serve as a “mentor” to the new officer(s) with the objective of preparing them, continuing to monitor and assist in their development to complete their training program, and thereby be successful in municipal law enforcement.

IV. OPERATION

A. PROGRAM FUNDAMENTALS

1. All newly assigned officers of this Department will be assigned to the FTO Program, regardless of prior law enforcement experience.
2. The FTO Program will consist of 16 weeks of training, commencing with the successful completion of the basic academy.

3. The FTO program may be accelerated for those officers with prior law enforcement experience and/or those who have demonstrated the ability to perform as a solo officer.

4. During the training phases, the trainee may be assigned to all three watches for periods of training.

5. During the 16-week training period, each trainee will generally be assigned a primary FTO and two additional FTOs.
   a. Primary FTO:
      1) Train and evaluate during Phase I (weeks 1-4).
      2) This FTO will also be assigned during Phase IV (weeks 13-16).
      3) During weeks 15-16, this FTO will dress in suitable civilian clothing to act as an observer and evaluate the trainee’s performance.
   b. Phase II FTO: Train and evaluate for weeks 5-8 with increased intensity on training.
   c. Phase III FTO: Train and evaluate for weeks 9-12.

B. MONITORING AND EVALUATIONS

Trainees are evaluated during their Police Academy training and, subsequently, during Field Training using a five-phase process (refer to MPD Directive 84.02).

1. Academy Training
   a. Consists of periodic academy visits and telephone follow-up with academy staff by the Training Sergeant.
   b. The academy will provide a final evaluation report on the trainee, which will be forwarded to the Training Sergeant. The trainee will sign the report and it will be maintained in their MPD training file.

2. Field Training - Phase I, II, III & IV
   a. The evaluation process will involve the three (or more) assigned FTOs, FTO Sergeant(s) and the FTO Lieutenant.
1) Daily Observation Reports of the trainee’s performance will begin with week 3 of the training program by the current FTO.

2) Throughout the training period, the FTO Sergeant(s) and FTO Lieutenant will periodically evaluate the status of the trainee.

C. TESTING

1. On the appropriate weeks of training, a written test will be administered by the FTO to the trainee.
   a. A minimum score of 80% must be accomplished prior to the trainee advancing to the next phase of training.
   b. A trainee will continue to undergo remedial training and be re-tested on the subject material until a minimum score of 80% is achieved.

D. PROGRAM COMPLETION

1. At the completion of the training period, the FTOs and FTO Sergeants will make a final evaluation on the trainee and forward a recommendation to the FTO Lieutenant.

2. The FTO Lieutenant will make a recommendation to the Chief of Police via the Field Operations Deputy Chief, of one of the following:
   a. Assign the recruit to regular patrol duties.
   b. Extend the trainee in the program.
   c. Terminate the probationary employee (trainee).

3. The Chief of Police or their designee must sign a document of completion before a trainee is cleared from the program.

4. Each trainee who successfully completes the FTO Program will be required to complete a written evaluation on their FTOs and the overall effectiveness of the program.

5. Phase V: Solo Beat Officer to End of Probation (refer to directive 84.02).

E. SPECIAL PROGRAM CONSIDERATIONS

1. Maintaining the integrity and confidentiality of information related to the performance and progress of trainees is a critical element of the FTO Program.
2. Members shall ensure that these standards are met by not divulging information of this nature with those outside the FTO Program group or appropriate command staff.

3. FTOs observing behavior of a participant in the FTO program that is hazardous in nature should report that fact immediately to either the Watch Commander, Field Supervisor, FTO Sergeant or FTO Lieutenant, whomever is available at the time.

4. The FTO assigned to the trainee is in the direct chain of command for the trainee. All other FTOs should refrain from unnecessary direction or counseling without first advising the trainee's FTO or the FTO Sergeant(s).

5. To accomplish training of the trainee on all three shifts, the FTO Lieutenant may assign an FTO to any shift. The assignment of the FTO will be on a temporary basis for the necessary training of the recruit.

6. Trainees are not permitted to work overtime on special assignments or for special events without express authorization of the FTO Lieutenant.

V. RECORDS OF TRAINEE PERFORMANCE MAINTAINED BY DEPARTMENT

A. The final Academy Evaluation on the trainee.

B. The trainee's FTO training book and all their Daily Observation Reports.

C. The Field Training Officer's attestation of each trainee's successful completion of the field training program.

D. The Chief of Police or their designee's concurrence of the trainee's successful completion of the Field Training Program.

VI. ASSIGNMENTS

A. Trainees who successfully complete the FTO Program may be temporarily assigned to any platoon/shift in order to maximize exposure and development.

B. After trainees complete the FTO Program, FTOs will:

1. Continue to assist in developing new officers to their full potential, and;

2. As applicable, provide relevant information to the shift supervisor so that thorough and complete monthly evaluations may be completed.
VII. GENERAL

Nothing in this directive precludes the Chief of Police from making temporary FTO Program assignments as necessary to fulfill the mission of the Department.

CARLO CUDIO
Chief of Police

Original: March 1984
Revised: September 2001
Revised: September 2004
Revised: March 2007
5070 Removal of Abandoned Veh Prior Dir 0404.pdf
I. PURPOSE

The purpose of this directive is to provide guidelines and procedures for the abatement and removal of vehicles that are abandoned on public or private property in the City of Monterey.

II. POLICY

Abandoned vehicles are generally considered to create a public nuisance and may also be a detriment to the health, welfare, and safety of the public. It is the policy of this Department to vigorously pursue the abatement of abandoned vehicles.

Generally, abandoned vehicles on public or private property will be abated per the guidelines set forth in §22669 (a) CVC, and Monterey City Code, Chapter 20, Article 11 – Abandoned, Wrecked, or Dismantled Vehicles. By following these procedures, the Department will be eligible to receive reimbursement for the abatement process through the state Abandoned Vehicle Abatement (AVA) Program via the Monterey County Abandoned Vehicle Service Authority.

III. DEFINITIONS

VEHICLE: A device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

ABANDONED VEHICLE: A vehicle that has been left on a highway, public property, or private property in such inoperable or neglected condition that the owner’s intent to relinquish all further rights or interests in it may be reasonably concluded.

PUBLIC NUISANCE VEHICLE: Any vehicle that is abandoned, wrecked, dismantled, or any inoperative part thereof that is on public or private property, not including highways, and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the safety of minors, harbors rodents or insects, or jeopardizes health, safety, and general welfare.
CITY CODE, Chapter 20, Article 11 – Abandoned, Wrecked, or Dismantled Vehicles shall be followed. One such requirement is that, prior to removal, the registered and legal owners must be sent a Notice of Intention to Abate letter by certified mail and a subsequent 10-day waiting period must elapse.

B. §22669 (d) CVC – Authorizes the immediate removal of a motor vehicle which is parked, resting, or otherwise immobilized on any highway or public right-of-way and which lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway, as they are considered to be a hazard to public health, safety, and welfare.

V. OTHER RELEVANT STORAGE AUTHORITY SECTIONS

The following storage authorities may be utilized when the circumstances dictate more immediate action be taken to remove a vehicle or the specific
circumstances justify such action. Vehicles towed under these authorities cannot be applied to the AVA Program.

A. §22651 (k) CVC – Authorizes removal of a vehicle when it has been left parked or standing upon a highway for 72 or more consecutive hours in violation of local ordinance (20-72 MCC) authorizing removal. This section should only be used in exceptional circumstances and then only with Watch Commander or Traffic Sergeant approval.

B. §22651 (o) CVC – Authorizes removal of a vehicle with a registration expiration date in excess of six months when found upon a highway, any public lands, or an off-street parking facility.

C. §22651 et al, and other CVC Sections of Chapter 10 as may be applicable.

VI. PROCEDURE

The Traffic Sergeant shall be responsible to oversee the Department’s abandoned vehicle abatement program.

A. FIELD OPERATIONS DIVISION RESPONSIBILITIES

1. Vehicles reported as abandoned to Comm Center or Records will be dispatched as a call for service and normally be marked by the patrol officer responsible for the beat on which the vehicle is located.

2. When a vehicle is marked as abandoned, the officer will complete MPD form P70-26 – Vehicle Warning Notice form. The bottom portion of the Vehicle Warning Notice will be placed on the vehicle. The top portion of the Vehicle Warning Notice, along with an attached CLETS printout of the vehicle’s registration/owner information, shall be forwarded to the Watch Commander for approval.

3. After approval by the Watch Commander, Vehicle Warning Notices are to be forwarded to the Records Division for data entry.

B. TRAFFIC SECTION RESPONSIBILITIES

1. Traffic Officers will regularly check the Abandoned Vehicle Voice Mailbox, investigate complaints of abandoned vehicles, and mark vehicles reported as abandoned, as appropriate.

2. An MPD form P70-26 – Vehicle Warning Notice will be completed and processed as outlined in Section IV.A.2 above for each
abandoned vehicle that is marked.

3. Traffic Officers will check all marked vehicles (including those marked by Patrol) to determine if they have been moved. (Normally, this check will occur 10-days after the *Notice of Intent to Abate* letter is sent to the registered and legal owners of the vehicle.)

4. Traffic Officers will tow vehicles that are still in violation after the 10-day waiting period has elapsed. Typically, in these circumstances, the tow authority will be §22669 (a) CVC. A CHP 180 form must be completed.

5. Normally, in circumstances such as these, Traffic Officers will complete an Administrative Citation charging violation of 20-72 MCC, which will be issued/mailed to the registered owner by the Records Section.

6. Traffic Officers will enter the final disposition of all marked vehicles into MS Word on the shared drive at PD\AV_Log\AV folder.

7. After being returned from the Records Section to the Traffic Section, all *Vehicle Warning Notices* will be maintained by the Traffic Sergeant until final disposition of each subject vehicle. Subsequently, the *Vehicle Warning Notice* for those vehicles abated/towed by the Department will be placed in the incident case file. The *Vehicle Warning Notices* for all voluntarily abated vehicles will be retained by the Traffic Sergeant for a period of one year.

8. The Traffic Sergeant will prepare the *Quarterly Abandoned Vehicle Report* and ensure that is it sent to and received by the Monterey County Abandoned Vehicle Authority.

9. The Traffic Sergeant will attend the Quarterly Monterey County Abandoned Vehicle Authority meeting and represent the Department on abandoned vehicle and related issues.

C. RECORDS SECTION RESPONSIBILITIES

1. Records personnel will enter the *Vehicle Warning Notice* (MPD form P70-26) information into MS Word on the shared drive at PD\AV_Log\AV folder. After entry, the *Vehicle Warning Notice* will be returned to the Traffic Sergeant pending final disposition.

2. Records personnel will ensure that the registered and legal owners of all vehicles marked as abandoned are sent a *Notice of Intention to Abate* letter by certified mail. This letter should be mailed as soon as practical after the vehicle has been marked.
3. Records personnel will ensure that the registered and legal owners of vehicles towed pursuant to this directive are sent a Notice of Stored Vehicle Notice by certified mail.

4. Records personnel will ensure that notice be given to the Department of Motor Vehicles within five days after the date of removal of any such vehicle, identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates.

CARLO CUDIO
Chief of Police

ORIGINAL: APRIL 2004
I. POLICY

It is the policy of this Department that all personnel be evaluated on work performance on a regular basis. The process should be a two-way communication. The interview is as important, if not more so, than the rating form, as it requires supervisors to share how they perceive the performance of the employee.

II. EVALUATION FORMATS

The Performance Evaluation packet contains a series of forms, which are initiated by the Police Chief’s Administrative Assistant and forwarded for completion to the immediate supervisor of the employee to be evaluated.

The basic three-part packet that is utilized for most employees includes the Pre-Evaluation form, the Evaluation Checklist form, and the Evaluation Narrative form. Note: The Evaluation Checklist form is not used for Management employees.

Sworn officers have a four-part packet, which will include the COPPS Supplemental Evaluation form.

Field Training Officers (FTO) have a five-part packet, which will include the FTO Supplemental Evaluation form.

Note: All of the forms referenced in this Directive may be accessed and completed on line in PDF format on the Intraweb at: http://fp.monterey/police/forms/default.htm.

III. EVALUATION FORM DETAILS

A. Pre-Evaluation form is completed by the employee:
   http://fp.monterey/police/forms/personnel/Preevaluation.pdf

B. Evaluation Checklist form is completed by the supervisor:
   http://fp.monterey/police/forms/personnel/Eval_Checklist.pdf

C. Evaluation Narrative form is completed by the supervisor:

D. COPPS Supplemental Evaluation form is completed by the sworn officer’s
Employee Performance Evaluation Procedures

IV. EVALUATION PERIODS

A. All sworn personnel, who are in a probationary status (less than one year) will be evaluated using a five-phase process (plus COPPS Supplemental Evaluation):


2. Phase V: Solo Beat Officer/Completion of Probation. Officer will be evaluated monthly for the remainder of the probationary period.

B. All non-sworn personnel who are in a probationary status (less than one year) will be given an evaluation every four (4) months.

C. All personnel who are in a job category for over one (1) year will be given an annual evaluation.

D. All personnel who are in a probationary status subsequent to a promotion will be given an evaluation after five months in the new classification (this is in addition to the annual evaluation).

E. An FTO Sergeant will evaluate each FTO on a yearly basis.

1. This will be accomplished by the submission of the FTO Supplemental Evaluation form to the FTO’s annual evaluation.

2. The supplement will encompass the FTO’s performance as it relates to their demonstrated ability to accomplish the duties and responsibilities set forth in the FTO Training Program.

F. A Community Policing Sergeant will evaluate each of their assigned sworn officers on a yearly basis.

1. This will be accomplished by the submission of the COPPS Supplemental Evaluation form to the sworn officer’s annual
evaluation.

2. The supplemental will encompass the sworn officer's performance as it relates to their demonstrated ability to accomplish the duties and responsibilities set forth in the Monterey Community Policing Initiative.

V. EVALUATION PROCESS

A. Annual Evaluation

1. The Administrative Assistant will complete the first portion of the Pre-Evaluation form and the Evaluation Checklist form to indicate the evaluated employee's name, title, and rating period. The evaluation packet will then be forwarded to the employee's current immediate supervisor.

   a. If a salary adjustment is involved, the Administrative Assistant will make the note "Step Increase" on the top of the Evaluation Checklist form and forward the evaluation packet between twenty (20) and twenty-five (25) days prior to the end of the rating period.

   b. If no salary adjustment is involved, the Administrative Assistant will forward the evaluation packet between ten (10) and fifteen (15) days prior to the end of the rating period.

2. Upon receipt of the evaluation packet, the supervisor will forward the Pre-Evaluation form to the employee to complete and return to the supervisor in time for their scheduled evaluation meeting (see V.7. below).

   a. The supervisor of sworn officers will forward the COPPS Supplemental Evaluation form to the officer's Community Policing Sergeant to be completed and returned to the primary rating supervisor for inclusion in the final evaluation packet.

   b. The supervisor of an FTO will forward the FTO Supplemental Evaluation form to the designated FTO Sergeant to be completed and returned to the primary rating supervisor for inclusion in the final evaluation packet.

3. The supervisor will evaluate the employee's performance by:

   a. Checking the appropriate category rating in each category of the Evaluation Checklist form.

   b. Completing the Evaluation Narrative form.
4. The Community Policing Sergeant will evaluate the sworn officer’s performance by:
   a. Checking the appropriate category rating in each category of the COPPS Supplemental Evaluation Checklist form including the notes and additional information section.
   b. Returning the form to the officer’s immediate supervisor.

5. The FTO Sergeant will evaluate the FTO’s performance by:
   a. Checking the appropriate rating category of the FTO Supplemental Evaluation Checklist form including the notes section.
   b. Returning the form to the officer’s immediate supervisor.

6. When the evaluation has been completed by the supervisor, it will be reviewed by each of his/her supervisors and/or managers, including the Deputy Chief and the Chief of Police. Upon approval, each supervisor and manager will sign and date the evaluation, after which time it will be returned to the supervisor.

7. The supervisor will then arrange to meet with the employee at a mutually agreeable time and place to discuss the evaluation. A sufficient time should be allowed so that all questions can be answered and all aspects of the standards and employee performance can be discussed in detail.
   a. The date of this meeting shall be from five (5), to ten (10) days following the rating period if no salary adjustment is involved and from five (5) to ten (10) days prior to the end of the rating period if a salary adjustment is involved.
   b. The location selected should be selected for privacy and comfort and is not restricted to the confines of the Monterey Police Department building.
   c. The discussion shall include the areas of interest to the employee as well as those covered by the supervisor on the evaluation form.

7. The evaluation packet shall then be given to the employee for the addition of any comments. The "Employee Comments" portion (last page of the Evaluation Narrative form under Employee's Statement and Signature) is for the purpose of developing a two-way discussion. The supervisor should seek feedback as to how he/she can improve their supervisory role.
a. If the employee declines to make any comment, write in the space provided for the employee comments "comment declined."

b. The employee must sign the evaluation. If the employee indicates a desire to not sign, out of protest or out of disagreement, advise that signing is mandatory and have him/her indicate "signed in protest" or similar wording in the comment space. Note: Refusal to sign an official document is insubordination. The employee may respond in writing to any comments in the evaluation. In all such cases, the employee's written response must be submitted within 30 days.

9. The completed evaluation packet is then, again, to be forwarded to the Chief of Police through normal channels.

a. If a salary adjustment is involved, the form must be received by the Chief of Police not less than five (5) days prior to the end of the rating period.

b. If no salary adjustment is involved, the rating shall be forwarded no later than fifteen (15) days following the rating period.

10. When the Chief of Police has reviewed the complete evaluation packet, he will initial it and forward it to the Administrative Assistant for distribution. The Administrative Assistant will make three copies for distribution as follows: one to Human Resources and two copies to the supervisor, who will forward one copy to the employee. The original will be kept in the employee's MPD personnel file.

11. On the annual evaluation, the Administrative Assistant will schedule an interview for the employee with the Chief of Police. The evaluation packet will be reviewed together to begin the interview; however, the primary objective is for the Chief to be able to keep abreast of individual employees and their career/personal interests.

12. Deputy Chiefs'/Lieutenants' evaluation process will differ. A narrative process will be used for these evaluations. They will also be done annually and include an interview with the Chief of Police.

B. Sworn Probationary Evaluation Phase V

1. Phase I, II, III, & IV Evaluations shall be prepared as outlined in Directive 88.09 (Field Training Program).
2. Phase V: The supervisor to whom the probationary officer is assigned once Field Training is completed shall be given a Phase V Evaluation Notification memo outlining when the officer is to receive biweekly and monthly evaluations. An FTO Sergeant will prepare the Phase V Evaluation notification memo.

   a. On a monthly basis, the Probationary Officer Evaluation form will be prepared by the probationary officer’s immediate supervisor as outlined above in §IV.A.2.

   b. Once completed, the supervisor will confirm the evaluation with his or her immediate supervisor. Both will then sign and date it.

   c. The supervisor will then discuss the evaluation with the officer, highlighting acceptable performance and that which requires improvement.

   d. The probationary officer is required to sign the completed evaluation.

   e. A copy of the completed evaluation will be forwarded to the Operations Deputy Chief and Chief of Police for review, via the chain of command.

   f. The original evaluation(s) shall be maintained in the officer’s working file until the annual evaluation is completed. These evaluation forms shall be used to prepare the annual evaluation.

   g. Once the annual evaluation is completed, the Probationary Officer Evaluation forms shall be forwarded to the Training Sergeant for inclusion in the probationary officer’s Field Training Manual.

VI. GENERAL

A. All personnel evaluations are confidential, and no portion of any evaluation is to be discussed with anyone other than the respective employee or supervisory and management personnel of the employee.

B. It is important that evaluations be accurate reflections of the actual work performed and the value of the employee to the organization. They should be approached with care and dedication.

C. Refer to each separate form for the specific information to be included in the various categories.
D. Most importantly, the employee evaluation should be a two-way process, with the interview as important as the form itself.

CARLO CUDIO
Chief of Police

ORIGINAL: April 1984
I. PURPOSE

All employees, particularly supervisors, are encouraged to recognize the outstanding work and meritorious actions of Department employees and volunteers throughout the year; this is especially true of work done in support and advancement of the Department’s Mission, Vision, and Value Drivers. It is also important that we recognize the noteworthy contributions of members of the public whose efforts assist employees and/or the Department in accomplishing our mission.

This directive establishes the procedures for the official recognition of employees, volunteers, and community members who exemplify superior performance and outstanding achievement.

Notwithstanding these procedures, supervisors are also encouraged to informally commend any act or performance by an employee for doing work that “exceeds expectations.” Often, informal recognition is most effective when done in front of the employee’s peers.

II. COMMENDATION PROCEDURE

A. Letters of Appreciation / Commendation – Outside Source

1. The Chief of Police will review all letters of appreciation and/or commendation received from the public and will ensure that a response letter is prepared and distributed to the correspondent as well as the concerned employee.

2. A telephone call, email or personal contact may be handled the same as a letter of appreciation.

3. When a supervisor determines that the circumstances prompting a letter of appreciation or commendation from an outside source warrants a Department Commendation, he/she shall prepare a Performance Observation Report to that effect, outlining all of the facts and circumstances of the incident while identifying the Value Driver(s) supported by the action, and forward it to the Chief of Police via the Chain of Command.

B. Department Commendations

1. Department Commendations are initiated by preparing a Performance
Observation Report detailing the incident. Any employee may initiate a Department commendation using this method. The details should include the following:

a. Full name and title of person commended.

b. Circumstances of the incident.

c. A brief description of how the action(s) relate to the Department’s Value Driver(s) or how it supported the Department’s Vision and/or Mission.

2. The Chief of Police will review and sign off on each commendation.

3. After review and approval by the Chief of Police, copies will be prepared and distributed, as follows:

a. The original to the employee

b. A copy to the bulletin board

c. A copy to the employee’s personnel file

d. A copy to the employee’s supervisor, mid-manager and deputy chief

e. A copy to the City Manager (citizen and outside agency commendations only)

f. A copy to the Commendation File (for Awards Committee review)

g. A copy for command staff review and consideration for a Chief’s Coin.

III. COMMENDATIONS FOR PRIVATE PERSONS OR EMPLOYEES FROM OTHER CITY DEPARTMENTS

Any employee may initiate a commendation for a private person or City employee from another department by preparing a draft nomination memorandum for review by the Chief of Police via the chain of command. When appropriate, the concerned command officer shall prepare a letter of appreciation to the concerned person. The letter (electronic version) of appreciation shall be forwarded to the Police Chief for signature and distribution. A copy will be forwarded to the Department Awards Committee for consideration.

IV. END OF YEAR NOMINATIONS

At the end of each calendar year, the Chief of Police will solicit nominations from
Commendations and Awards

each supervisor and manager for Officer of the Year, Professional (Civilian) Employee of the Year, and the Community Policing Award (sworn or professional employee). The criteria for these nominations are described in Section VI. of this Directive.

Each supervisor and manager are required to seek input from their work Teams prior to submission of their nominations. When considering nominations, members should look across organizational boundaries, department-wide and do their best to select the one person in each category that they believe truly exemplifies the type of superior performance and philosophical alignment that we are trying to honor, recognize, and celebrate. A brief justification is required for each nomination.

V. AWARDS COMMITTEE

A. Annually, in January, the Chief of Police will convene the Department Awards Committee consisting of:

1. One Deputy Chief, as chairperson
2. One Police Lieutenant
3. One Police Sergeant
4. One Police Officer
5. One Police Services Technician
6. One Professional (civilian) employee

B. The Awards Committee shall be responsible for reviewing all letters of appreciation and Department Commendations received during the previous calendar year, as well as the End of Year Nominations for the three (3) awards noted.

C. If a member of the Awards Committee is aware of an incident worthy of consideration that did not receive formal recognition previously, he/she may prepare a memorandum outlining the incident and rationale behind the nomination as outlined in Section II.B1. This information may then be considered by the Committee.

D. Upon completion of their review, the Awards Committee shall then make the appropriate award recommendations to the Chief of Police. The recommendation of the Awards Committee is advisory in nature and the Police Chief shall make the final determination for all awards presented.
VI. AWARD CRITERIA

A. Medal of Valor – The Medal of Valor is the Department’s highest award and may be presented to Department employees who distinguish themselves by conspicuous bravery or heroism above and beyond the normal demands of police service. To be awarded the Medal of Valor, an employee shall have performed an act displaying extreme courage while consciously facing imminent peril.

B. Life Saving Award – The Lifesaving Award may be presented to an employee who takes direct personal action that results in saving a human life.

C. Distinguished Service Award – The Distinguished Service Award may be presented to an employee for an act of outstanding performance or service requiring extreme tenacity of purpose and devotion to duty that are aligned with the Department’s Vision, Mission and Value Drivers. The act or acts must be beyond the normal scope of duty and may include circumstances involving bravery but to a lesser degree than required for the Medal of Valor. A case involving in-depth investigation may be considered, but it must be extremely significant to qualify for this award.

D. Meritorious Service Award – The Meritorious Service Award may be presented to an employee for outstanding service to the community as a representative of the Department requiring great personal commitment of time and energy. Examples include neighborhood interaction, volunteering for assignments outside one’s normal duties, unwavering support for and incorporation of the Department’s Value Drivers into his/her daily work habits, and putting the needs of the community, the City, and Police Department above their own.

E. Community Policing Award – The Community Policing Award may be presented to an employee for outstanding achievements associated with Monterey’s Community Policing Initiative (MCPI). To receive this award, an employee shall demonstrate a personal commitment to the Department’s community policing philosophy, be responsive, service oriented, innovative, and collaborative in addressing community concerns and have a record of success in dealing with neighborhood problems.

F. Employee of the Year Awards

These awards shall be presented to a Department member from each category with an outstanding body of work who consistently demonstrated a commitment to the Department’s Vision and Mission while incorporating our Value Driver’s into his/her daily work. As a Department employee of the year, each recipient shall have demonstrated they embraced our axiom of Service – Honor – Commitment, while modeling acceptance and support for our Vision, Mission, and Value Drivers.
1. **Officer of the Year** – One employee shall be chosen from all sworn personnel who exemplifies excellence based upon their work ethic, daily performance, character, loyalty, problem-solving, technical knowledge and interpersonal skills. The entire body of work, encompassing the specified twelve (12) month period shall be considered. Singular accomplishments are not to be considered; these are to be recognized via the POR/commendation procedure outlined in Section II B. Sustained work performance and a willingness to place the needs of the community and organization above their own while displaying a desire to excel shall all be criteria considered.

2. **Professional (Civilian) Employee of the Year** – One employee shall be chosen from all civilian personnel who exemplifies civilian performance with the City of Monterey through their work ethic, daily performance, integrity, loyalty, problem-solving, technical knowledge and interpersonal skills. The entire body of work, encompassing the specified twelve (12) month period, shall be considered. Singular accomplishments are not to be considered; these are to be recognized via the POR/commendation procedure outlined in Section II B. Sustained work performance and a willingness to place the needs of the community and organization above their own while displaying a desire to excel shall all be criteria considered.

3. **Volunteer of the Year** – One volunteer shall be chosen from the active pool of Police Department volunteers based upon their number of service hours, dependability, flexibility, reliability, willingness to tackle any task, and devotion to the Monterey Police Department.

   The employee in direct charge of the volunteer program shall prepare a summary of volunteer hours for all MVP members and submit a memorandum to the Award Committee identifying a candidate for consideration as Volunteer of the Year.

G. **Certificate of Community Service**

   May be presented to private persons for:

   1. Acts of bravery in aiding or attempting to aid another person or member of this Department.

   2. Rendering necessary assistance to save life or property.

   3. Outstanding acts of service to the community that requires great personal commitment of time and energy to the Police Department.
VII. AWARDS PRESENTATIONS

Upon completion of the selection process, a person designated by the Chief of Police shall make all arrangements for a presentation ceremony to be conducted at the direction of the Chief of Police.

Tim Shelby
Chief of Police

ORIGINAL: January 1994
REVISED: April 1996
September 1997
September 1999
November 2000
September 2006
January 2010
Ride-Along Attachment 3-Rider Info.pdf
Dear Rider:

Welcome to the Monterey Police Department's Ride-Along Program.

We are pleased you are able to participate in the program and hope your experience is enjoyable, as well as meaningful. Even though most police patrol work is "routine," and in some cases downright boring, there is lurking in the background a constant element of danger which can suddenly present itself without warning and without regard on whom it strikes. Riding in a police car on patrol can put you in the same dangerous position as the Police Officer. For this reason, we feel it is necessary to establish some basic safety guidelines:

1. We ask that you conduct yourself as an OBSERVER -- that is, you must not become physically or verbally involved in an incident in which the officer is involved. Cameras, video or audio recording are not permitted.

2. Please feel free to ask questions of the officer, but not while the officer is talking to a citizen. The officer's full concentration will be directed to the citizen's statements, questions and actions; and a distraction could be dangerous, or at least prevent the officer from obtaining the complete chain of events.

3. Remember that while you and the officer are riding on patrol, the officer is not "just riding around." Patrol is the most important part of the officer's job. The officer is expected to be alert, to concentrate on safe driving (which in itself is a full-time job), and at the same time, look for violations of the law, hazardous conditions, suspicious circumstances, etc., and also listen to the police radio. If the officer stops talking to you in the middle of a sentence or does not seem to hear your question, it may be that the officer stopped to listen to a radio transmission or that something on the street caught the officer's attention.

4. You may accompany the officer wherever the officer goes, but only with the officer's permission. If the officer is called to a fight in progress, a domestic dispute, etc., please be alert and careful. We do not want to see you get hurt. The officer will ask you to remain in the patrol car if the officer feels a situation could place you in too much peril.

5. Wear your safety belt whenever the police car is in motion. At any given time, you might go from a slow routine patrol to a high-speed chase with red lights and siren.

6. The equipment inside the police car (shotgun, red light switches, amber light switch, radio controls, etc.) will be explained to you by the officer. PLEASE DO NOT TOUCH ANY OF THIS EQUIPMENT.

7. BRING YOUR LUNCH OR BRING MONEY TO PURCHASE YOUR LUNCH, IF YOU EXPECT TO RIDE MORE THAN TWO (2) OR THREE (3) HOURS.

You will find our Ride-Along Program to be an educational experience.
10200 Overtime Sick-Time
Workers Comp Time Prior 8303.pdf
I. POLICY

It shall be the policy of this department that all personnel, except management personnel who perform duties in excess of regular assigned daily duties, shall be compensated at the overtime rate, subject to the regulatory provisions of this directive, any appropriate ordinance or resolution adopted by the City Council of the City of Monterey, and by any other applicable law or statute.

It shall also be the policy of this department that overtime, sick time, workers’ compensation time, and other time off shall be properly reported, processed, documented, and administered.

II. DEFINITIONS

A. Overtime:

1. SWORN EMPLOYEES: All hours authorized and worked by an employee who is eligible for overtime compensation in excess of eight (8) hours per day for an employee on a regular 5/8 work schedule; in excess of ten (10) hours per day for an employee on a 4/10 work schedule; or hours worked on an employee’s regularly scheduled day off.

2. NONSWORN EMPLOYEES: All hours authorized and worked by an employee who is eligible for overtime compensation in excess of 40 hours per work week.

B. Sick-Time: All time reported by any employee in which the employee is unable to report for duty due to any illness or injury not incurred in the line of duty, whether such time is covered by accrued sick leave or not.

Family Sick Leave: Sick leave used to care for and attend to a spouse, principal domestic partner, child, stepchild, parent, parent-in-law, or a close relation residing in the employee’s household.

C. Workers’ Compensation Time: All time reported by any employee in which the employee is unable to report for duty due to a work related injury or illness which has been approved by the City’s workers’ compensation administrator.
III.  OVERTIME PROCEDURES AND GUIDELINES

A.  Assignment of Overtime

1.  All overtime shall be authorized in advance by the employee’s immediate supervisor, or by other competent authority. It shall be the responsibility of the supervisor or other competent authority to ensure overtime is approved based on operational need and should not be granted to simply fill a vacancy. All subpoenas, court appearance notices, notices of DMV hearings, and similar instruments of the judicial process are "competent authority" within the meaning of this directive.

2.  Supervisors and managers are responsible to monitor that their employees are working within the overtime guidelines and restrictions provided in this Directive.

3.  No compensation shall be derived from any time worked without prior consent.

B.  Reporting of Overtime

1.  Each employee is responsible for the timely submission of their own overtime form or Special Police Services (OT) form. No compensation shall be made without the submission of such a form.

2.  A separate overtime form shall be completed for each event or incident requiring the working of hours in excess of normally assigned work hours.

3.  Employees shall submit the appropriate overtime form to the on-duty supervisor immediately upon the completion of their hours worked, unless there are extenuating circumstances, which would justify a short delay.

4.  Subsequent to the submission of an overtime form, the supervisor shall review and process it in an expeditious manner. The supervisor shall initial and date each overtime form upon its review/approval. Additionally, the supervisor who initials the overtime form shall be responsible to record the relevant overtime information for the employee on the appropriate Payroll Timesheet. The actual hours and total hours worked are the hours that should be recorded (duplicating the information that is recorded on the overtime form).
5. Supervisors within Field Operations and the Records Section will deliver all reviewed/approved overtime forms to the “Overtime and Time Off Requests” box located outside the Watch Commanders’ and Police Services Manager’s offices. Managers within their respective Divisions are responsible to review overtime forms and submit them to the department's timekeeper in an expeditious manner. Supervisors and other personnel within the Administration Division will deliver completed overtime forms directly to the Chief of Police.

6. It is imperative that all overtime forms be submitted, reviewed, and forwarded in a timely manner to ensure compliance with FLSA requirements.

C. Overtime Limitations

1. Police officers and police sergeants shall adhere to the following overtime related work limitations:

   a. They will generally not work in excess of 15 consecutive hours;

   b. They will have, at minimum, 8 hours off between each 8-hour, 10-hour, or longer shift/workday;

   c. They will be off duty for a minimum of 24 consecutive hours during the workweek. This off duty time must consist of a period, which falls between the hours of 7:00 AM on one day and 7:00 AM on the following day. (The workweek is defined as commencing on Sunday at 7:00 AM and ending the following Sunday at 7:00 AM)

2. Police Service Technicians and the Record’s Supervisor shall adhere to the following overtime related work limitations:

   a. They will generally not work in excess of 12 consecutive hours;

   b. They will have, at minimum, 8 hours off between each 8-hour or longer shift/workday;

   c. They will be off duty for a minimum of 24 consecutive hours during the workweek. This off duty time must consist of a period which falls between the hours of 7:00 AM on one day and 7:00 AM on the following day. (The workweek is defined as commencing on Sunday at 7:00 AM and ending the following Sunday at 7:00 AM)
3. EXCEPTIONS:

   a. Occasionally, unforeseen circumstances or situations will arise that may require a departure from the guidelines in Section III.C above. The on-duty Watch Commander shall approve all unscheduled deviations from the guidelines outlined herein. The Watch Commander shall subsequently notify the appropriate Division Deputy Chief of such action.

   b. Planned or scheduled deviations from the guidelines above must be pre-approved by the appropriate Division Deputy Chief.

4. In any case where a supervisor determines that an employee has worked excessive overtime, which has resulted in a drop in performance, excessive sick-time reporting, or negative impact on the employee or the department, the supervisor shall notify the Division Deputy Chief through the chain of command. If warranted, the employee shall be advised that no overtime will be assigned, except for emergencies, court time, and necessary court work, until the observed negative conditions have been resolved.

D. Employee Negligence: No overtime shall be paid in any case arising from any act of negligence, incompetence, intentional delay or design of any employee where such delay or design creates an overtime situation.

E. Scheduling Time Off That Conflicts With Judicial Proceedings

   1. In general, employees should not request time off when they have prior knowledge of scheduled trials, hearings, and other judicial proceedings during the hours requested, which, if fulfilled, will result in the submission of more than 5 hours of overtime compensation in a single day. If such time off is requested, all relevant information regarding the pending judicial proceedings will be provided to the employee’s supervisor or to another competent authority to whom such Time Off Request is being submitted.

   2. If an employee already has approved time off scheduled and subsequently becomes aware of a scheduled trial, hearing, or other judicial proceeding that will likely require attendance in excess of 5 hours in a single day, they shall immediately bring such information to the attention of their supervisor.
3. If such relevant court time falls within an employee’s regularly scheduled work hours (i.e. day shift), the amount of leave hours requested for that day will be adjusted according to the number of hours the employee appeared at court (OR) that would have been paid had the employee not requested to use leave hours for such time off. Overtime will only be paid for hours which might fall outside of the employee’s regularly scheduled work hours. All such arrangements shall be coordinated and pre-approved by the employee’s supervisor or other competent authority. As appropriate, Time Off Request forms should be revised and re-submitted to reflect any changes or modifications.

F. Sick-Time Provisions Related to Overtime

1. No overtime shall be authorized for any employee within 72 hours following the reporting of any sick-time, except as noted below:

   a. Casework: When there is a necessity to complete casework and the supervisor concurs, overtime may be authorized.

   b. Emergency: When an employee is needed for an emergency situation (i.e., fires, traffic collisions, and similar incidents), overtime may be authorized by the person in command of the incident.

   c. Court: In response to notice or subpoena.

   d. Division Deputy Chief Approval: When, in the judgement of the Deputy Chief, the overtime is necessary to fulfill the operational needs of the Department.

VI. SICK-TIME PROCEDURES

A. Reporting Requirements

1. All sick time shall be reported to the employee’s immediate supervisor or to another supervisor or manager in the employee’s’ chain of command unless no such supervisor is available, in which case it shall be reported directly to the on-duty Watch Commander.

2. Where no such direct notification is made, the employee will be considered “absent.”
B.  Court Attendance

1.  Reporting of sick-time shall not relieve any employee from the responsibility of attending any trial, hearing, or other judicial proceeding for which notice has been served, unless attendance is physically impossible.
   
a.  In all such instances, the employee shall notify their supervisor of the circumstances at their first opportunity to do so.
   
b.  Attendance may be excused only by the attorney handling the matter for the prosecution or by the attorney for the party in a civil matter issuing the subpoena.

2.  If the employee is required to appear and,
   
a.  If the time that attendance is required at court falls outside an employee's regularly scheduled work hours, that time will be compensated as overtime (at time-and-a-half) at no greater than the amount of straight-time hours that would have been paid had the employee not called in sick.
   
b.  If the time that attendance is required at court falls within an employee's regularly scheduled work hours (i.e. day shift), the amount of sick leave charged for that day will be adjusted according to the number of hours the employee appeared at court (OR that would have been paid had the employee not called in sick. Overtime will only be paid for hours, which might fall outside of the employee's regularly scheduled work hours.

C.  Payroll Reporting

1.  In the event a City holiday falls during the period of an employee's leave, that day shall not be charged against any of the employee's leave hours.

2.  In the event an illness or injury requires hospitalization of an employee during their vacation leave, the days of hospitalization shall be charged against the employee's vacation accrual, unless the employee requests otherwise.

D.  Extended Absence
1. Whenever an employee reports being off "sick" and is expected to be off for an extended period of time (longer than two complete work weeks), the employee will be considered on an administrative schedule for the period covered by the absence.

2. If applicable, Family Medical Leave Act (FMLA) forms should be provided to the employee, completed per instructions on the forms, and submitted to the Administrative Assistant.

V. WORKERS' COMPENSATION TIME PROCEDURES

A. General Guidelines

1. Whenever any employee reports confirmed workers’ compensation time, the employee will be considered on an administrative schedule for the period of time covered by workers’ compensation.

2. Unless otherwise specified, an administrative schedule means 8:00 a.m. to 5:00 p.m., Monday through Friday.

3. Except in cases of physical inability or other special circumstances, employees reporting workers’ compensation time shall attend all trials, hearings and other judicial proceedings for which notice has been served.

4. Following court attendance, a “Report of Court Hours During Workers’ Compensation Disability” form should be submitted to the department’s timekeeper, to ensure the time is not charged to the employee’s 4850 time (Attachment A).

5. The Division Deputy Chief will be responsible to notify and periodically update the Witness Coordinator anytime that it is determined that an employee will be unavailable for trials, hearings, and other judicial proceedings for an extended period of time due to any injury, illness, or other unscheduled leave.

B. Specific Reporting Requirements

1. Reporting of workers’ compensation time will not necessarily relieve an employee of duty assignments. With the approval of the attending physician, an employee who has a work related injury or illness may be assigned to limited duty pursuant to Directive 85.01.

2. All requests for sick-time or workers’ compensation time shall be reported to the employee’s immediate supervisor or to another
supervisor or manager in the employee's chain of command, unless no such supervisor is available, in which case it shall be reported directly to the on-duty Watch Commander. Where no such direct notification is made, the employee will be considered "absent."

3. Reporting an injury or illness means completing all of the necessary documentation (workers' compensation packet) and does not mean simply mentioning the injury or illness to a supervisor.

4. Upon notification by an employee of a work-related injury or illness, the supervisor will ensure that the employee is provided all applicable workers' compensation information and claim forms and note the date on the log sheet that the forms were provided to the employee.

5. If an employee is reporting an injury or illness that, in the employee's assessment, may be related to a previous City of Monterey industrial injury claim by the employee, and regardless of whether the onset of the latest injury or illness occurred while on or off duty, the following reporting procedures shall be followed:

   a. If the onset of injury can be attributed to a specific incident, act, or circumstance (on or off duty), then a complete workers' compensation claim packet should be completed by the supervisor and the employee. The relationship to the previous injury/claim should be indicated in the documentation.

   b. If the onset of the injury cannot be attributed to a specific incident, act, or circumstance (on or off duty) then only the *Investigation of Industrial Injuries/Illnesses Report* document, which is one part of the workers' compensation claim packet, should be completed by the supervisor. The relationship to the previous injury/claim should be indicated in the documentation.

6. It is important to be aware and understand that the failure to report a work related injury or illness, in a timely fashion, may result in a delay in the provision of workers' compensation benefits. Employees need to be aware that they should not wait to see if their injury/illness gets better prior to reporting. If in doubt, it is best to report the injury/illness.
7. Supervisors shall facilitate reporting and complete all documentation relevant to the employer. Upon completion, the supervisor will forward the packet to the Administrative Assistant. The supervisor shall communicate via email all relevant information, including a summary of the circumstances surrounding the injury to their manager, with a copy to the Division Deputy Chief.

8. After an injury/illness has been reported as work related, the employee is responsible for keeping their supervisor advised as to their duty status on an ongoing basis. Each time that the employee visits a “physician” or a physician changes, modifies, or renews an employee's duty status, the employee shall ensure that a department approved Release for Duty form is completed by the physician. The Release for Duty shall then be returned to the employee's immediate supervisor or another supervisor or manager in the employee's chain of command, unless no such supervisor is available, in which case it shall be delivered directly to the on-duty Watch Commander.

a. The Release for Duty shall be returned at the earliest opportunity and in every instance within 24 hours of the physician visit. The supervisor shall immediately forward the Release for Duty to the Administrative Assistant and communicate via email all relevant information to their manager with a copy to the Division Deputy Chief.

b. For the purposes of Release for Duty requirements, “physician” includes physicians and surgeons, psychologists, acupuncturists, optometrists, dentists, podiatrists, and chiropractic practitioners licensed under California State law. Physical therapy visits typically do not require that a Release for Duty form be completed.

9. When a physician places an employee on restricted or limited duty status, the employee’s supervisor will notify the appropriate section manager(s) prior to any limited duty assignment determination. A limited duty assignment of a Field Operation's employee to the Administrative Services Division will not occur prior to notification and approval by that Division's Deputy Chief.
3210 Attachment 1-Counter Report Form Prior 0504.pdf
## Counter Report
Monterey Police Department  
351 Madison Street  
Monterey, Cal. 93940  
Phone (831) 646-3830 Fax (831) 646-3899

**REPORT TYPE:** Civil/Documentation Only ____ or Property Damage Only Traffic Collision ____

**NOTICE:** Counter Reports are for non-criminal purposes only. These reports are considered closed once submitted and the information contained in this report will not be investigated. You are required to complete all information in Section 1 and all information entered in the report must be legible or the report will not be accepted.

### SECTION 1: REPORTING PARTY INFORMATION

<table>
<thead>
<tr>
<th>Name:</th>
<th>ID Card/License Number and State:</th>
<th>Date of Birth:</th>
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<tr>
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<table>
<thead>
<tr>
<th>Address:</th>
<th>Home Telephone: (       )</th>
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<tbody>
<tr>
<td>City:</td>
<td>State:</td>
</tr>
<tr>
<td>Zip:</td>
<td>Other Telephone: (       )</td>
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### SECTION 2: NON INJURY, PROPERTY DAMAGE ONLY TRAFFIC COLLISION INFORMATION

**Reporting Party Information (If this is not a traffic collision report, skip to Section 3.)**

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<tr>
<th>Date of Collision:</th>
<th>Direction of Travel (Circle): North  South  East  West</th>
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<tr>
<th>Time of Collision:</th>
<th>Location of Collision:</th>
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<tr>
<td></td>
<td>Street _____________ Block Number _____________</td>
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<td></td>
<td>Or</td>
</tr>
<tr>
<td></td>
<td>At Intersection with Street __________________________________</td>
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<table>
<thead>
<tr>
<th>Vehicle Description (Next Line):</th>
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</thead>
<tbody>
<tr>
<td>Year:</td>
</tr>
<tr>
<td>Make:</td>
</tr>
<tr>
<td>Model:</td>
</tr>
<tr>
<td>License Plate Number/State:</td>
</tr>
<tr>
<td>Color:</td>
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</table>

<table>
<thead>
<tr>
<th>Describe Damage to Vehicle:</th>
<th>Insurance Co./Policy Number Or Rental Car Company Information:</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
</tr>
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**Party #2 Information**

<table>
<thead>
<tr>
<th>Name:</th>
<th>ID Card/License Number and State:</th>
<th>Date of Birth:</th>
</tr>
</thead>
<tbody>
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### Copies to:

- [ ] Chief  [ ] Inv. Div  [ ] Traffic  [ ] City Atty.
- [ ] Records  [ ] Officer ______  [ ] Other ______

**Officer/PST Accepting Report:** __________________

**Approving Supervisor:** __________________

Page 1 of _______
### SECTION 3: CIVIL OR DOCUMENTATION ONLY REPORT

<table>
<thead>
<tr>
<th>Name:</th>
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<th>Date of Birth:</th>
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<td>Telephone: (    )</td>
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</table>

### SECTION 4: NARRATIVE – DESCRIBE THE EVENTS RELATED TO THE REPORTED INCIDENT

---

I declare under penalty of perjury that the information provided in this report is true and correct. I also understand that this report is considered closed and I have no expectation that any follow up investigation will happen.

DATE __________________________

PRINTED NAME _____________________  SIGNATURE __________________________
### SECTION 5: ADDITIONAL NAMES

<table>
<thead>
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### SECTION 6: NARRATIVE – ADDITIONAL

I declare under penalty of perjury that the information provided in this report is true and correct. I also understand that this report is considered closed and I have no expectation that any follow up investigation will happen.

DATE ____________________________

PRINTED NAME _________________________  SIGNATURE _________________________________
POM MOU 08-09-12.pdf
DEPARTMENT OF THE ARMY
UNITED STATES ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, US ARMY GARRISON, PRESIDIO OF MONTEREY
1782 LARKSPUR ROAD, SUITE 210
MONTEREY, CA 93943-2223

LAW ENFORCEMENT PROTOCOLS
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE PRESIDIO OF MONTEREY
THE MONTEREY COUNTY SHERIFF’S OFFICE
CITY OF MONTEREY, CITY OF PACIFIC GROVE,
CITY OF SEASIDE, CITY OF MARINA, CITY OF DEL REY OAKS,
CALIFORNIA STATE UNIVERSITY MONTEREY BAY
AND
THE MONTEREY COUNTY DISTRICT ATTORNEY’S OFFICE

SUBJECT: Memorandum of Understanding (MOU)

1. REFERENCES:
   e. MOU between U.S. Army Garrison, Presidio of Monterey and Monterey County
      Sheriff’s Office. Subject: Monterey County Special Weapons and Tactics Team,
      14 September 2009.

2. PURPOSE:
   a. The purpose of this MOU is to memorialize an understanding between the Garrison
      Commander (GC), Presidio of Monterey (POM), the Monterey County Sheriff’s Office, City of
      Monterey, City of Pacific Grove, City of Seaside, City of Marina, City of Del Rey Oaks,
      California State University Monterey Bay (CSUMB) and the Monterey County District
      Attorney’s Office relating to the investigation and prosecution of offenses over which the
      above named cities, State and county agencies and the United States Government have
      concurrent criminal jurisdiction, pursuant to Title 18, United States Code § 13 and the
      California Government Code §126. For clarification, the area subject to this agreement is a
      United States Army Military Installation commonly referred to as the POM and the Ord
      Military Community (OMC), located primarily in the City of Seaside. It also includes former
      Fort Ord property not yet transferred under the base realignment and closure laws until such
      time as the property is removed from Federal possession.
SUBJECT: Memorandum of Understanding (MOU)

b. This MOU addresses the reporting of offenses, the investigation of offenses, the apprehension and/or arrest of civilian and military personnel and the prosecution of offenses in which the GC, POM, Monterey County, CSUMB or a local municipality have an interest. This MOU does not apply to cognizable offenses that fall solely under the Uniform Code of Military Justice (UCMJ, Title 10, United States Code § 801, et seq.) or other Federal laws, investigations or matters arising from authorized military training or operations occurring on the POM or on the OMC or to military administrative or security investigations. The parties of this MOU also agree, in the interest of efficient and fair administration of law enforcement investigations and criminal justice matters, to cooperate fully in implementing the provisions of this MOU.

c. All parties of this MOU understand that this MOU is subject to the Memorandum of Understanding Between the Departments of Justice and Defense, dated January 1985, relating to the investigation and prosecution of certain crimes, as implemented in AR 27-10, Military Justice, dated 3 October 2011, chapter 2 (Enclosure 1). The provisions of this MOU are subject to any changes to AR 27-10, or any other Army or Department of Defense (DoD) guidance that may be published after the date of this MOU.

d. All parties agree that nothing in this MOU violates Title 18 United States Code § 1385 (Posse Comitatus Act). No action will be taken under the guise or in reliance on this MOU that is a violation of the Posse Comitatus Act.

3. POLICY:

a. This MOU aids in determining which agency will exercise investigative and have prosecutorial jurisdiction over offenses in which military, State, city or county agencies have an interest as defined in paragraph 2a. The main factors in making this determination of which agency has the greatest interest in the offense are the location of the offense, the status of the suspect(s) and which agency can provide the most effective and swiftest justice. Although various jurisdictional outcomes may result from application of the principles stated in this MOU, these can always be altered by agreement of the agencies concerned.

b. This MOU provides internal guidance to the agencies concerned and it does not create or confer any substantive or procedural rights on individuals. Violation of the provisions of this MOU does not create any right or benefit, substantive or procedural, enforceable at law or equity by any person against the United States, city, county or State agencies, or their officers or employees, or any other person.

c. No State or local agency has the right or the power to interfere with the Federal government in the proper performance of its authorized functions.
d. AR 190-45, 30 March 2007, establishes Law Enforcement reporting.

4. TRAFFIC ENFORCEMENT: The following principles shall determine which agency will conduct or participate in traffic enforcement.

   a. The POM Police Department (PD) shall have primary responsibility for traffic control, enforcement or traffic regulations and investigations of motor vehicle accidents on the Federal property described as the OMC. CSUMB and the cities of Marina, Seaside and Del Rey Oaks may also engage in traffic control, enforcement of traffic regulations and the investigations of motor vehicle accidents on the portions of General Jim Moore Boulevard and South Boundary Road that pass through the OMC in their respective jurisdictions.

   b. The County of Monterey and the cities of Seaside, Marina, Del Rey Oaks, Monterey and CSUMB shall jointly engage with the POM PD in traffic control, enforcement of traffic regulations, and investigations of motor vehicle accidents on Federal property located on the portions of former Fort Ord property not yet transferred under the base closure laws within their respective jurisdictions.

5. CRIMINAL INVESTIGATIONS: The following principles shall determine which agency will conduct or participate in a particular criminal investigation.

   a. Investigative Jurisdiction:

      (1) DoD has broad jurisdiction and authority to investigate criminal activity whenever a military interest exists. Generally, a military interest exists when one or more of the following apply:

      (a) The crime is committed on a Military installation or facility;

      (b) There is a reasonable basis to believe that a suspect may be subject to the UCMJ;

      (c) There is a reasonable basis to believe that a suspect may be a civilian employee of the DoD who has committed an offense in connection with his or her assigned duties with the DoD.

      (d) The military is the victim of the crime; e.g., the offense involves the loss or destruction of government property or allegations of fraud (as defined in AR 1185-2, Criminal Investigation Activities concerning the criminal investigation of fraud offenses) relating to Army programs or personnel;
SUBJECT: Memorandum of Understanding (MOU)

(c) There is a need to protect personnel, property or activities on military installations from criminal conduct on military installations that has a direct adverse effect on the military's ability to accomplish its mission;

(f) The activity threatens the good order and discipline of the installation.

(2) Normally, either the POM PD or the U.S. Army Criminal Investigation Division (CID) will conduct Army criminal investigations. The POM PD generally take jurisdiction over misdemeanors as described in AR 190-30, Military Police Investigations, Appendix B (Enclosure 3). The CID generally takes jurisdiction over all felonies as described in AR 195-2, Appendix B (Enclosure 3). The POM PD will refer all crimes, offenses or incidents falling within CID investigative responsibility to the appropriate CID element for investigation.

(3) The city, county and State signatory agencies to this MOU have broad jurisdiction to investigate criminal conduct where:

(a) The United States Government is not the victim of the offense;

(b) The suspects are civilian personnel who are suspected of offenses other than those described in paragraph 5a(1)(c); or

(c) POM PD or CID, on the advice of the Office of the Staff Judge Advocate (OSJA), waives jurisdiction to the local civilian authorities.

(4) In an investigation involving multiple suspects, only some of whom are subject to the UCMI, the investigation will be conducted jointly by the POM PD, CID or other appropriate Federal agency and the local agency or agencies having concurrent jurisdiction where the crime occurred. The determination of the lead agency will be made on a case-by-case basis.

b. Notification Requirements:

(1) Civilian authorities will notify the POM PD as soon as possible when a report reveals evidence of criminal conduct by a Service Member (SM) involved in a crime committed on or off POM or OMC. In those instances when confidentiality is deemed essential to ensure that the integrity of an ongoing investigation will not be compromised, civilian authorities may use their discretion with regard to when the POM PD shall be so notified. Upon receipt of information of criminal conduct by a SM, the POM PD will notify the appropriate military authorities to include, but not limited, to the OSJA. Investigative jurisdiction will be determined in accordance with the principle discussed above.
SUBJECT: Memorandum of Understanding (MOU)

(2) In all felony cases of joint interest, each agency shall provide, if requested, periodic status reports and all reports of their investigation to the other interested agencies.

(c) Evidence Handling Among Agencies:

(1) In those instances where there is only one investigatory agency, that agency will maintain control and custody of any evidence;

(2) In those instances where there is a joint investigation, the lead investigatory agency will maintain control and custody of any evidence;

(3) Evidence in the control and custody of one agency may be released to another agency for investigative examination, laboratory testing and similar purposes. In such circumstances the borrowing agency will return the evidence, to the extent practicable, upon completion of the examination or testing, and will maintain a proper chain-of-custody while in possession of the evidence.

6. ARRESTS ON THE POM AND OMC:

a. Arrest of SM - This paragraph shall apply to the arrest of SM pursuant to the issuance of a bench warrant, indictment or other judicially involved process. The primary objective of this agreement is effective cooperation between civilian authorities to the end that one prosecution does not jeopardize another and that serious offenses are judiciously and expeditiously prosecuted. In order to facilitate the arrest of SMs, civilian authorities will seek the arrest of a SM on POM property through the POM PD.

(1) Initial Presentation of Arrest Authority - The presentation of a valid warrant of arrest, indictment, or information, together with sufficient information to identify the person sought as the person who allegedly committed the offense(s) charged and a statement of the maximum sentence which may be imposed upon conviction, will be made available to the POM PD.

(2) Arrest Procedures - Upon obtaining a determination of legal sufficiency from the OSJA, the POM PD will assist in the execution of valid arrest warrants, indictments, presentations and information on behalf of civilian authorities as appropriate.

(3) Decision When UCMJ Charges Are Pending.

(a) When civilian authorities wish to arrest a SM against whom disciplinary proceedings under the UCMJ are contemplated or pending, the following procedures and considerations shall apply. The SM will remain in military custody pending coordination between the District
SUBJECT: Memorandum of Understanding (MOU)

Attorney and the OSJA. When the arrest involves a SM against whom disciplinary proceedings under the UCMI are contemplated or pending, the POM PD will be informed and the OSJA will coordinate with the SM's General Court-Martial Convening Authority (GCMCA) for a determination as to whether the subject should be released to the civilian authorities. The SM will remain in military custody pending agreement between the District Attorney and the SM's GCMCA.

(b) If the GC of POM and or the SM's GCMCA determines there is an overriding reason to retain the SM in military custody, the arresting agency shall be promptly notified. The arresting officer or agency designated will be permitted to question the SM and conduct any additional investigation necessary in accordance with the above guidelines concerning investigative jurisdiction. Upon cessation of the reason for retaining the SM in military custody, the POM PD will notify the arresting agency that the SM may be available for jurisdiction by the local authorities.

b. Arrest of Civilians -- The following procedures will be used to arrest persons other than SM's on POM or OMC.

(1) Initial Presentation of Arrest Authority -- The presentation of a valid warrant of arrest, indictment or information, together with sufficient information to identify the person sought as the person who allegedly committed the offense(s) charged and a statement of the maximum sentence which may be imposed upon conviction, will be made to the POM PD.

(2) Arrest Procedures -- Arrest procedures for civilians located on POM or OMC shall be the same as those established in subparagraph 6a(2) on above. If exigent circumstances prevent prior notification of POM PD in the arrest of a civilian or SM on the installation, the agency shall contact POM PD immediately after making the arrest to advise the SM's Chain of Command of the arrest. The OSJA will also be notified immediately by POM PD.

7. PURSUIT OF CRIMINAL SUSPECTS: Authority to Enter Installation Pursuit of Suspects onto the OMC -- Local law enforcement officers are authorized to continue the pursuit of criminal suspects onto the OMC. When possible, civilian authorities will inform the POM PD that pursuit of a suspect onto the OMC is likely to occur. The local authorities will ordinarily contact the POM PD dispatcher to notify patrol units of the hot pursuit onto the installation. The POM PD will provide assistance to civilian authorities with the apprehension or pursuit of suspects on the OMC. During any hot pursuit of a suspect onto OMC, civilian law enforcement officers are authorized to enter buildings, structures or facilities on the OMC as otherwise permitted under the laws of the State of California. In such circumstances, the primary pursuing agency will immediately notify or cause to be notified the POM PD. If
SUBJECT: Memorandum of Understanding (MOU)

circumstances permit, the POM PD may be requested to assume the primary role in the pursuit while on OMC property.

8. CRIMINAL PROSECUTION:

a. In any case in which a person accused of a felony and or misdemeanor offense is subject to the UCMJ and State law, the GC and the Monterey County District Attorney, or their designees, may meet to decide whether the case will be handled through the military justice system or in state court.

b. Once an agreement has been reached with regard to exercising jurisdiction over an accused's case by either military or civilian systems of justice, both sides will cooperate in providing investigative reports concerning the case; in making witnesses available for interviews and testimony; and in making evidence available for examination and use in any legal proceedings in accordance with (LAW) regulatory guidance to include the Freedom of Information Act.

c. Upon request, the District Attorney will inform the OSJA, and GC about charges filed, current status and final disposition in any case the DA is prosecuting in state court, in which the accused is also subject to the UCMJ or that involves a victim who is a SM or who is related to a SM.

d. Upon request, the OSJA, DLIFLC and POM, will inform the DA about charges filed, current status and final disposition in any case subject to the UCMJ.

c. The provisions of the section do not apply to:

(1) Adverse military administrative actions that may be taken in conjunction with or in lieu of criminal prosecution.

(2) Nonjudicial punishment administered by military authorities under the Provisions of Article 15, UCMJ (Title 10 United States Code Sec. 815).

(3) Decisions concerning whether to bring court-martial charges subsequent to a State prosecution.

(4) Decisions made by representatives of the United States Attorney's Office concerning prosecution of offenses that have been investigated pursuant to this memorandum of understanding.
SUBJECT: Memorandum of Understanding (MOU)

9. SPECIAL WEAPONS AND TACTICS (SWAT) TEAM SUPPORT: It is recognized and understood that the GC and the Monterey County Sheriff’s Office have entered into a mutual agreement by separate memorandum to provide SWAT support to the POM and OMC in emergency situations (dated 14 September 2009). The Seaside, Marina or Del Rey Oaks Police Departments and CSUMB will be advised of any SWAT development and the circumstances thereof on the OMC within the city limits of their respective cities.

10. SHARING INFORMATION AND REPORTS:

   a. Each party to this agreement agrees, to the best of their ability and IAW State and Federal law, to share information, reports and other documentation concerning the identities of persons involved and the circumstances of incidents covered by this MOU.

   b. the Commander, California Medical Detachment will coordinate with the GC and POM PD prior to releasing information in their custody to the appropriate civilian police department.

11. MEDIA INQUIRIES: Any inquiries by news media concerning any matter covered by this MOU shall be referred to the agency with the lead investigative responsibility.

12. TERMS AND MODIFICATION: This MOU shall remain in force until 1 January 2013, and it shall be renewed thereafter automatically for five-year periods, unless sooner terminated by the parties hereto. This MOU may be modified by mutual consent or terminated unilaterally by any party with thirty days written notice from one of the subscribing officials or his successors to the other subscribing officials or their successors. A review of the provisions of the MOU may be conducted at the request of any party.

Enclousures
1. AR 27-10, Chapter 2
2. AR 190-45, Chapter 4
3. AR 190-2, Appendix B
4. AR 190-30, Appendix B
5. MOU USAG POM and Monterey Sheriff's Office

In witness whereof, the parties hereto have signed below on the dates indicated, this agreement to take effect upon the last date entered.
SUBJECT: Memorandum of Understanding (MOU)

JAMES S. LAUGHLIN  
Director of Emergency Services  
Presidio of Monterey  

JOEL J. CLARK  
COL, SF  
Commanding  

DEAN D. FLIPPO  
District Attorney  
Monterey County  

SCOTT MILLER  
Sheriff  
Monterey County  

9/20/12  
(Date)  

VICKI MYERS  
Chief of Police  
City of Seaside  

8/9/12  
(Date)  

PHIL PANKO  
Chief of Police  
City of Monterey  

8/9/12  
(Date)  

RON LANGFORD  
Chief of Police  
City of Del Rey Oaks  

EDDIE RODRIGUEZ  
Chief of Police  
City of Marina  

8-9-12  
(Date)  

VICKI MYERS  
Chief of Police  
City of Pacific Grove  

HARL LAWSON  
Chief of Police  
California State University Monterey  

8-9-12  
(Date)  

9
MONTEREY POLICE DEPARTMENT
PUBLIC COMPLAINT OR COMMENDATION

<table>
<thead>
<tr>
<th>TODAY’S DATE</th>
<th>DATE &amp; TIME OF INCIDENT</th>
<th>LOCATION OF INCIDENT / INCIDENT CASE # (IF KNOWN)</th>
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MONTEREY POLICE EMPLOYEE INVOLVED
(List additional involved employees in the narrative section below)

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Clothing Description | Other Identifying Information:
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YOUR INFORMATION

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Home Phone | Business Phone | Cell Phone | Best Time to Call
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List identifying information regarding witnesses in the narrative section below.

Information regarding Allegations against Department Members:
You have the right to file an allegation regarding any conduct by a member of the Monterey Police Department. You are entitled to a copy of your statement at the time you file the allegation. The Department will conduct an investigation into the allegation. After the investigation is completed, the Department may take some form of personnel action against the accused Department member if it determines that misconduct occurred, or it may find that there is insufficient evidence to warrant personnel action against the Department member. A written notice of the disposition of the allegation will be provided within 30 days of the Department’s finding. Personnel complaints will be retained for at least five years. Policy complaints are not considered to be personnel complaints. Non-misconduct concerns are not considered to be complaints.

The Monterey Police Department has a strict policy which prohibits the retaliation against complainants and/or witnesses.

ALLEGATION/COMMENDATION: (Please describe your allegation/commendation in as much detail as possible. If you are making an allegation and believe the Department member engaged in specific conduct based on race, ethnicity, nationality, gender, age, religion, gender identity or expression, sexual orientation, mental disability, or physical disability, please include that information.)

(Continue on back of page and/or attach information, if necessary)
ALLEGATION/COMMENDATION: (continued)

I affirm that the information provided on this form is true and complete:

___________________________________________________

Signature

__________________________  ________________

Date

(Continue on additional pages if necessary)

If you are mailing this form, please address it to:

Monterey Police Department
ATTENTION: Administration Division Lieutenant
351 Madison Street
Monterey, CA  93940
**SECTION THREE - QUALIFYING EQUIPMENT THAT THE MPD WILL BE PROCURING WITH ANTICIPATED DATES OF PROCUREMENT**

<table>
<thead>
<tr>
<th><strong>AB 481 Category</strong></th>
<th>(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons</th>
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<tbody>
<tr>
<td><strong>Govt Code §7070(c)</strong></td>
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| **(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment** |
| Description: 40mm Less Lethal Launchers and Kinetic Energy Munitions |
| Quantity (existing/sought): 12 (sought - (1) for each police vehicle) |
| Capabilities: The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, known as sponge projectiles. |
| Expected lifespan: 15 years |
| Manufacturer's description: Penn Arms 40MM Single Shot Launcher, collapsing stock. L140-3 – A 40mm single-shot break-open frame launcher with a rifled barrel, collapsible stock and combo rail. Features include: Double-action trigger, trigger lock push button and hammer lock safeties. |

| **(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment** |
| Purpose(s)/Authorized Use: The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less-lethal use of force option. |

| **(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment** |
| Initial cost: $15,000 |
| Annual costs: $3,000 (includes sponge projectiles for training) |

| **(4) The legal and procedural rules that govern each authorized use** |
| Legal: All applicable State, Federal and Local laws governing police use of force. |
| Procedural: MPD Policies - 306 (Firearms), 303 (Control Devices and Techniques) |

| **(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy** |
| Required training: Two (2) hours of initial training and (2) hours every (2) years (includes qualification) |
| Other: (12) additional single shot launchers will replace the current aged-out less lethal shotguns. These would be purchased in 2022. |
### SECTION THREE - QUALIFYING EQUIPMENT THAT THE MPD WILL BE PROCURING WITH ANTICIPATED DATES OF PROCUREMENT

<table>
<thead>
<tr>
<th>AB 481 Category</th>
<th>Govt Code §7070(c):</th>
<th>(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment</td>
<td>Description:</td>
<td>LDV Inc. Custom Specialty Vehicles - Crisis Negotiation Team Command Vehicle</td>
</tr>
<tr>
<td></td>
<td>Quantity (existing/sought):</td>
<td>1 (sought to be owned by MPD and utilized by MPRSRU - CNT)</td>
</tr>
<tr>
<td></td>
<td>Capabilities:</td>
<td>Vehicles modified to act as Negotiations Operations Center at critical incidents.</td>
</tr>
<tr>
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<td>Expected lifespan:</td>
<td>20 Years</td>
</tr>
<tr>
<td>(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment</td>
<td>Purpose(s)/Authorized Use:</td>
<td>This vehicle will provide a designated Negotitations Operations Center (NOC) in a constant state of operational readiness for the MPRSRU Crisis Negotiations Team (CNT) that will aid in the resolution of crisis incidents. Also utilized for community outreach events such as National Night Out, Public Safety Outreach, etc.</td>
</tr>
<tr>
<td>(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment</td>
<td>Initial cost:</td>
<td>$200,000 initial outlay to be reimbursed through the Homeland Security Grant Program - Urban Areas Security Initiative. This vehicle would not be procured until October 2023 in FY 24.</td>
</tr>
<tr>
<td></td>
<td>Annual costs:</td>
<td>$2,500 / year maintenance and upkeep</td>
</tr>
<tr>
<td>(4) The legal and procedural rules that govern each authorized use</td>
<td>Legal:</td>
<td>All applicable State, Federal and Local laws.</td>
</tr>
<tr>
<td></td>
<td>Procedural:</td>
<td>MPD Policies - 404 (Monterey Peninsula Regional Special Response Unit)</td>
</tr>
<tr>
<td>(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy</td>
<td>Required training:</td>
<td>MPRSU CNT team provides internal training for staff members prior to allowing them to operate these vehicles. All MPRSU CNT members are required to complete an initial POST certified 40 hour basic Hostage Negotiation course AND 48 hours of annual training.</td>
</tr>
<tr>
<td></td>
<td>Other:</td>
<td>The Monterey Police Department participates in the Monterey Peninsula Regional Special Response Unit CNT Team (MPRSRU). This equipment will be registered to the Monterey Police and operated by MPRSU CNT. This equipment could be used in Monterey by MPRSU CNT if they are deployed to an incident within city limits.</td>
</tr>
</tbody>
</table>
1. PURPOSE

This manual will outline the procedures for collecting and entering items into evidence at the Monterey Police Department evidence repository. These procedures are to be followed in accordance with MPD Policy 802 – Property and Evidence. This includes items of evidence, found property and items taken for safekeeping.

Outlining the chain of custody for every item entered into evidence is crucial for the integrity of the entire property and evidence system. The following procedures are to be applied for all items entered into evidence.

2. PACKAGING PROPERTY FOR STORAGE

The following procedure is to be used whether you are storing evidence, found property, prisoner’s property, property for observation, safekeeping or for destruction.

Packaging:

- Items are to be properly packaged and heat or tape sealed. **Staples are not to be used.**

- The heat or tape seal shall have initials and the date across both the seal and package (½ on tape, ½ on package)
  - The package must be large enough to accommodate the Property Tag.
  - Use appropriate size package/container for item, but small items need to be in a package large enough for the Property Tag.
  - Smaller sized plastic sleeves are to be used for containing small items, which are then placed in larger packages.
  - Paper can be sealed around the ends of large items, such as tools, with tape to prevent loss of trace evidence or to protect for latent prints.
  - Always use clean and new containers to prevent contamination.
  - Property that requires any processing should be clearly marked (BFS envelopes excluded).
  - If the property is known to belong to different people, book it separately.
MONTEREY POLICE DEPARTMENT
PROCEDURE 8020
EVIDENCE AND PROPERTY CONTROL

- You may put several items in one package under one item number as long as you sufficiently describe what is in that package (example: dark blue jeans, red baseball hat, green T-shirt).

- Items to be processed or forwarded to an outside lab must be packaged separately.

- The Evidence/Property Tag must be filled out completely.

- If the item is being held for any processing, the affected area needs to be protected with paper or some other method.

- Clearly mark items "For Destruction" if appropriate.

- All serialized items booked as Found, Evidence, or Under Observation must be entered into CLETS by use of the CLETS entry form via Records.

3. EVIDENCE ENTRY

- When a person allowed to enter items into evidence at the Monterey Police Department collects an item to be stored, they will enter the property information into the TracNet RMS property system under the appropriate case number, under the appropriate heading (i.e. evidence, found property, safekeeping).

- A full description of the item is entered into the appropriate fields in the TracNet system.

- In the “Misc Info” section for each item being entered into TracNet, the location the item will be stored at must be documented. Examples include “Locker 23” or “LK 23”, indicating the property has been secured in evidence locker 23. This is a crucial step, as it is the first documented location in the chain of custody, after the item has been collected (the actual collection location will be described in the report narrative and evidence section of the report). A description may also follow, such as “LK23, CD of video surveillance”.

- Once the above has been completed, a Property Tag needs to be printed for the individual item. This tag will have, among other information, the case number, the evidence item number (assigned sequentially by TracNet), the date the tag was produced and the location the item was secured at. Items must be placed into evidence on the date listed on the tag in order to maintain the chain of custody.
The property tag is attached to the individual item of evidence, or the outer packaging for each evidence item. The package is sealed and the officer dates and initials the seal as previously described. The property is then placed into the listed evidence locker, or the location where it will be deposited.

4. **EVIDENCE TECHNICIAN TRACKING OF EVIDENCE**

   - The Evidence Technician collects an item from a secured storage location. The technician completes the appropriate documentation in TracNet, on the item “Property” module page, for the movement of the property from its temporary secure location into the evidence storage facility, or other track-able location, such as “DOJ Lab, Freedom”. The technician must first enter the location the item was picked up from, such as “LK 23”, then enter the location the property will be stored, then enter their name as the person transferring the property.

   This provides a complete chain of custody in TracNet on the “Property” tracking page, for each individual item.

   - Evidence items collected initially by PRVNT and entered at the MPD property room that are going to be transferred to another agency must be fully documented in the TracNet “Property” tracking page, so that the initial chain of custody can be accurately documented. Once this has been done, the items can then be transferred to the outside agency for permanent storage, with the appropriate transfer logged in TracNet.

5. **WATCH COMMANDER / FIELD SUPERVISOR**

   - The Watch Commander should not approve a report if any item of property does not correctly have the location the item was stored at.

6. **SPECIAL CONSIDERATIONS**

   - Vehicles should not be listed as “evidence” unless the vehicle is actually seized as an item of evidence and impounded. The location the vehicle was impounded to or stored should be listed in the “misc Info” section for the item in TracNet, and the Evidence Technician must be notified.

   - If a Property Tag is created, the person creating the tag must indicate what took place with the property, even if the item was returned to the owner, etc. prior to being booked into evidence.
Example: a found wallet: The officer creates a property tag intending to book the item into evidence, listing “LK23” as the location the item will be stored. The officer locates the owner prior to entering the item into evidence. In TracNet, the item will be shown as having been deposited into locker 23. The officer should note in the report narrative what took place (item returned to owner), send an email to the Evidence Technician indicating what took place, so the appropriate documentation can be made in the “Property” tracking page by the technician. The technician will note in the “Property” tracking page that the item was returned, by whom, referencing the associated report narrative.

7. RIGHT OF REFUSAL

- The Evidence Technician may refuse to accept any item of property that has been forwarded to the property room for storage that has not been packaged or handled properly. Improper handling can include, but is not limited to the following:
  - Property not packaged or sealed properly.
  - Property Tag not completed properly.
  - Property submitted is inconsistent with items listed on Property Tag.

- If the Evidence Technician chooses to exercise the Right of Refusal, they will notify the employee and/or the employee’s supervisor if the issue is not addressed in a timely manner.

8. SPECIAL HANDLING OR CONSIDERATIONS

Firearms

- All firearms shall be unloaded and rendered safe with zip tie or other similar item before being put in a gun box.

- Once rendered safe, gun(s) will be put in gun boxes and the boxes will be left unsealed.

- The Property Tag should include the Make, Model, Caliber, Type (rifle, shotgun, pistol, etc.) and Serial Number.
o If the serial number is unreadable, removed or unable to be located it should be noted in the report.

• A CLETS entry form shall be completed and turned into Records ASAP for data entry.

• To prevent possible transference of trace evidence, gun boxes are not to be reused.

• Ammunition and magazines are to be booked separately from all weapons.

9. OTHER DANGEROUS WEAPONS

• Generally sharp edged weapons shall have cardboard taped over the cutting edge or point.

• Exception: If the sharp edge or point has important trace evidence or a blood pattern, the item should be secured in such a way that the evidence is not disturbed (securing in a box with tape, carefully wrapping the blade with paper first, etc).

10. NARCOTICS

• BFS envelopes shall be used on all narcotics, and only narcotics go in the BFS envelope (this may include the main package holding the narcotics, such as a coin baggie). An exception applies for items intended for “Destruction” or held for Safekeeping.

• Narcotics are to be weighed and the weight should be recorded on the Property Tag and BFS envelope – Note if the total weight includes packaging.

• Individual narcotics should be packaged in separate containers (tins, bindles, small plastic sleeve) prior to being placed in the BFS envelope.

• Narcotics for "Destruction" should be clearly marked on the Property Tag.

• All associated paraphernalia (pipes, bongs, etc) are to be booked as separate items and not placed in a BFS envelope.

• Loaded syringes will have their contents placed into the provided plastic containers, which are then put in a BFS envelope.
• Empty syringes are placed in a plastic Sharps tube and booked as a standard piece of property, not in a BFS envelope.

• Items and/or baggies with residue are to be booked as separate items and not placed in a BFS envelope.

• Multiple defendants should only be listed on the BFS envelope if they are all facing charges for those specific items.

• The BFS envelope should be filled out completely with your ID number and specific item number clearly visible. The Property Tag must be attached to the back of the BFS envelope.

11. CURRENCY

• All US currency being deposited in the Property Room shall be in a Currency Envelope.

• All Currency Envelopes shall have their contents and amounts verified by a second employee who will then also sign the envelope before the envelope is booked.

• All foreign monies shall be booked as separate items and not in a Currency Envelope.

• The envelope should be filled out completely with your ID number and specific item number clearly visible.

• Only currency goes in the currency envelope, wallets, etc. are separate items of property.

• Counterfeit bills are not currency and should not be packaged in a Currency Envelope.

12. BIOLOGICAL EVIDENCE

• Items that are believed to contain biological evidence should be air dried in the MPD Lab prior to booking into the Property Room.

• Package biological evidence in paper containers only.
• Care should be taken to avoid cross contamination of any items believed to contain biological evidence.

• Transport and package the items separately to avoid cross contamination.

• Items with biological material shall have a "BIOHAZARD" sticker placed in plain view on any and all packaging.

• Items being held specifically for DNA should be clearly marked for storage by the Evidence Technician in either the freezer or the refrigerator.

• Liquid samples (Blood, Urine) are stored in the refrigerator.
  
  o These can be turned over to a PST for temporary storage in the Jail Refrigerator.

• Dried stains, swabs, hairs, clothing, etc. are stored in the freezer.

• These items can go directly to the evidence locker and the Evidence Technician will store them in the freezer.

13. HAZARDOUS MATERIALS

• In general, no hazardous materials shall be stored at the Monterey Police Department Property Room.

• Any possible property/evidence of a hazardous nature shall be photographed.

• Fire Department personnel should be consulted for proper documentation and disposal.

• Cases need to be handled on a case by case basis and the DOJ Lab/Health Department or other professional organization may need to be consulted for possible collection/storage options depending on the severity of the case.

14. FLAMMABLE / CORROSIVE ITEMS

• In general, large amounts of flammable or corrosive items shall not be stored at the Monterey Police Department Property Room.
MONTEREY POLICE DEPARTMENT
PROCEDURE 8020
EVIDENCE AND PROPERTY CONTROL

- If flammables or corrosives need to be retained, the whole item/area in question shall be photographed first.

- Small portions of flammable material or items with flammable trace evidence shall be stored in clean, unused metal canisters.
  - Metal canisters are available in the MPD laboratory.

- Small portions of corrosive material or items with corrosive trace evidence shall be stored in clean, unused glass containers.
  - Glass containers are available in the MPD laboratory.

- Fire Department personnel should be consulted for proper documentation and any necessary disposal.

- Other professional organizations such as the Health Department or DOJ may be consulted if necessary.

15. TRACE EVIDENCE

- Any items believed to contain trace evidence should be collected and then packaged separately from all other items. Do not let items touch or cross contaminate each other.

- Care should always be taken to avoid cross contamination between items, especially items from the victim and suspect.

- Glass fragments should be placed in metal tins or pillboxes.

- Trace hairs and fibers should be put in bindles before final packaging.

16. SEXUAL ASSAULT KITS

- The top of the box for both the Victim and Suspect should be filled out completely and the chain of custody portion of the box should be marked with the officer’s name and ID number. A Property Tag is also needed.

- Blood sample boxes and urine sample boxes do require a completed Property Tag and a BIOHAZARD sticker.
Blood sample boxes and urine sample boxes should be designated for the refrigerator and need to be turned over to a PST for temporary storage in the Jail Refrigerator.

SART kits shall be turned over to a PST for temporary storage in the Jail Refrigerator, or other storage as designated by the Evidence Technician.

Any items not returned to you in the actual Sexual Assault Kit box by the nurse need specific item numbers and are separate items of property.

17. Fragile Objects

- Immobilize any fragile item in a box protected by paper or other similar product.

- Wrap any sharp items such as broken glass or pointed items in cardboard, bubble wrap, or heavy paper to avoid injury to others who may handle in the future.

18. Jewelry

- Items should be described as thoroughly as possible to aid in computer searches.
  - Example: yellow metal ladies ring with red stone vs. gold ring.

19. TEMPORARY RELEASE OF BOOKED PROPERTY

- Personnel must notify the Evidence Technician of their need to check out property prior to the date needed.
  - In-person, E-mail or voicemail with the case number and date needed are appropriate methods of notice.

- The Evidence Technician retrieves the item(s) from the storage location.

- Evidence Technician meets with requesting personnel and completes the following:
  - Completes the Property Tracking in the TracNet system.
  - Prints out a property transfer receipt and has requesting personnel sign.
o Turns the item(s) over to the requesting personnel.

o Scans property transfer receipt into case file.

• The Evidence Technician follows standard procedure for logging item(s) back into the Property Room once the property has been returned.

20. PROCEDURE FOR RE-SEALING OF PROPERTY ITEMS

• At times packaged and sealed property will need to be opened for review and examination by other people such as detectives, District Attorneys, etc. In order to properly conduct this review the following procedure will be followed:

  o When opening the package, do not open at the previously sealed area.

  o Always choose a different side or seam to make your cut.

  o Use gloves when removing and handling the items being mindful of trace evidence or latent print processing.

  o Replace the items and reseal with heat or tape.

  o Place your initials across the heat seal or tape, ½ on the seal and ½ on the package.

  o Return to the Property Room as per standard procedure.
7030 Vehicle Maintenance and Repair Prior 8408.pdf
I. POLICY

It is the policy of this Department that all vehicles assigned to personnel for use in their official duties shall be properly maintained and repaired.

II. VEHICLE MANAGEMENT OFFICER

A Vehicle Management Officer (VMO), typically a lieutenant, will be assigned by the Chief of Police to oversee the management and day-to-day operations of the department’s fleet of vehicles. The VMO will report to and coordinate their activities with their Division Deputy Chief and the Chief of Police. The VMO’s responsibilities include: Assist in the research, budgeting, and acquisition of new and replacement vehicles and equipment; Ensuring that the department’s vehicles are assigned and utilized in a manner which will facilitate their normal scheduled replacement; Ensuring that vehicles are properly outfitted, equipped and maintained; and, Ensuring that vehicles are kept clean, neat, and orderly.

The VMO will work closely with the Public Works Mechanical Division Supervisor in order to promote mutually beneficial relations between our two departments.

III. ASSIGNMENT OF VEHICLES

A. All marked vehicles assigned to the Field Operations Division shall be under the control of the Field Operations Division Deputy Chief. The on-duty Watch Commander shall be responsible for assigning each vehicle, utilizing the Vehicle Assignment Listing produced and periodically revised by the VMO.

1. No employee shall use any marked vehicle without first securing the permission of the Watch Commander, unless unavailable, in which case the Watch Commander shall be notified as soon as practical.

2. The Watch Commander shall note in their Daily Shift Report (DSR) the unit number, employee and reason for use anytime an employee uses a marked unit outside of normal patrol duties, along with those being used for normal patrol duties.

B. All unmarked vehicles assigned to the Investigations Section shall be under the control of the Support Division Deputy Chief. All assignments of vehicles will be made by or through the Support Division Deputy Chief or
1. No employee shall use any unmarked vehicle without first obtaining permission from either the Detective Sergeant or the Support Division Deputy Chief except, in their absence, the Watch Commander may authorize the use of unmarked vehicles.

2. When an employee has been given permission to use an unmarked vehicle it is their responsibility to let the Watch Commander know which unit they have and the reason for its use.

3. The Watch Commander shall note in their DSR the unit number, employee and reason for use anytime an unmarked unit is used by an employee.

   a. Personnel normally assigned to use unmarked units, such as detectives, the operations assistant responsible for court work and the property room technician are exempt from this responsibility as they report directly to the Detective Sergeant.

C. All motorcycles assigned to the Traffic Section shall be under the control of the Field Operations Deputy Chief. The Traffic Sergeant shall be responsible for their assignment. No employee shall use any motorcycle without first obtaining permission from the Traffic Sergeant or Field Operations Deputy Chief. Motorcycles, when not in use by on-duty personnel, will be stored in the El Cuartel motorcycle garage.

D. Specialty vehicles and bicycles assigned to Community Action Team Officers shall be under the control of the Field Operations Division Deputy Chief. The Watch Commander shall be responsible for their assignment. No employee may use any such specialty vehicle or bicycle without first obtaining permission from the Watch Commander or the Division Deputy Chief.

IV. VEHICLE MAINTENANCE

   A. The Mechanical Division manages the preventive maintenance schedule for all of the vehicles. The City Mechanical Division notifies the Watch Commanders when each vehicle is due at the yard via electronic mail.

      1. It is the responsibility of the Watch 3 Field Supervisor working the night before a marked vehicle is due at the yard to ensure it is delivered by 0800 hours.
2. It is the responsibility of the Detective Sergeant to ensure that unmarked vehicles are delivered to the yard by 0800 hours the day they are due.

B. When the operator of a marked Field Operations vehicle determines that it needs service, maintenance, or repair, the operator shall complete the City of Monterey, Shop Repair Request Form, listing all pertinent information, and hang it with the vehicle’s keys in the Watch Commander’s Office. If the vehicle is not safe for operations, this must be noted as well. The Watch One Sergeant on duty on the next week day shall be responsible for contacting the Mechanical Division to schedule the vehicle for repair and seeing that the vehicle is delivered to the Mechanical Division when requested or, if the vehicle is inoperable, for notifying the Mechanical Division of the location and condition of the vehicle. No employee shall operate any vehicle, which is known to be unsafe.

C. The provisions of Section IV. B above shall also apply to unmarked units, except that the Shop Repair Request Form shall be delivered to the Detective Sergeant, who shall be responsible for having the service performed. The Traffic Sergeant, or in his/her absence, the Watch Commander will have the same responsibilities when it applies to motorcycles.

D. It shall be the responsibility of each operator to perform a vehicle inspection at the beginning of each tour of duty and to report any deficiencies to the Watch Commander immediately. Deficiencies include lack of appropriate equipment, improper equipment and/or garbage and debris left by the previous operator. The operator shall pay particular attention to any damage to the vehicle since last used and report any suspected recent damage. The operator shall also check the trunk for safety items and, unless directed by a supervisor, shall not operate any vehicle until it contains all of the items listed on the card found on the inside of the trunk lid.

E. Upon being notified of any recent damage to a vehicle, the Watch Commander will complete the Damage Location Form (MPD P72-1) and forward it to the VMO for inclusion in the appropriate vehicle folder. If the damage is sufficient to warrant immediate repair, the Shop Repair Request Form will also be completed and forwarded through the proper channels. The Watch Commander will attempt to confirm the last operator of the vehicle prior to the reported damage and request a memorandum. If the damage resulted from a collision, an investigation, as outlined in Directive #87.03, will be conducted.

F. At the conclusion of each tour of duty, the operator shall fuel the vehicle and remove all personal items and accumulated items of trash or debris.
The operator shall also be responsible for replenishing any supplies that were used during that tour. Except when mechanically impossible or impractical, no vehicle shall be parked at the conclusion of a tour of duty, or turned over to another employee, with less than 3/4 tank of gasoline.

G. An employee shall report any vehicle deficiencies to the Watch Commander. Upon being notified by an employee that a vehicle has been left in a deficient state, the Watch Commander will contact the employee who is responsible (previous driver) and direct them to bring the vehicle into compliance. If the responsible employee cannot be immediately identified because the vehicle was not used by the preceding shift, then the Watch Commander shall attempt to identify and contact the responsible employee and/or notify the appropriate sergeant and/or lieutenant of the situation.

H. Each Watch Commander and Field Supervisor shall be responsible for performing periodic inspections to confirm that all vehicles under their control are in compliance and shall be responsible for correcting any deficiencies found, as well as for taking any action necessary to prevent future deficiencies from occurring.

TIM SHELBY
Chief of Police

ORIGINAL: May 1988
REVISED: December 1996
November 1999
November 2001
December 2002
December 2007

Attachment: City of Monterey, Shop Repair Request Form
3030 Defensive Tactics Prior 9501.pdf
I. **POLICY**

It is the policy of this department that appropriate training in defensive tactics be given to those department members whose regular duty assignment routinely places them in a position where they make arrests, conduct investigations where arrests may be made, or deal with prisoners or suspects who are in custody.

II. **DEFENSIVE TACTICS INSTRUCTOR**

A. The position of Defensive Tactics Instructor shall be assigned by the Chief of Police and shall be held by a member who has been certified as a Defensive Tactics Instructor through a certified course of instruction.

B. The Defensive Tactics Instructor shall, with the approval of the Chief of Police, appoint up to six (6) Assistant Defensive Tactics Instructors, who shall be certified as instructors.

C. The Defensive Tactics Instructor shall be responsible for the following:

1. Establishing defensive tactics training standards.
2. Preparing training plans.
3. Providing defensive tactics training, as well training in the legal aspects of the use of force, to include the use of force continuum.
4. Ensuring that department members are proficient in the use of defensive tactics.
5. Inspection and maintenance of all defensive tactics equipment utilized and issued by the department.
6. Coordinating with the Training Sergeant to schedule regular defensive tactics training. All such training shall be scheduled to ensure that sufficient notice is provided to all participants.
7. The Defensive Tactics Instructor will report to the Training Sergeant for all matters related to defensive tactics training. The Defensive Tactics Instructor shall keep his/her Division Captain apprised of all relevant issues of mutual concern.
III. PROFICIENCY

A. Affected members shall participate in all phases of defensive tactics training and shall demonstrate proficiency in each phase.

B. Officers who fail to demonstrate proficiency shall receive additional training until such time as they are competent to meet all prescribed standards.

C. Subsequent to each training session, the Defensive Tactics Instructor shall submit a report of the training session to the Training Sergeant. Unsatisfactory performance by any members or other significant issues or concerns shall be reported to the appropriate Division Captain.

_________________________
CARLO CUDIO
Chief of Police

Original: January 1995
Revised: January 2000
Revised: December 2002
<table>
<thead>
<tr>
<th><strong>CATEGORY</strong></th>
<th><strong>EXCEEDS STANDARDS</strong></th>
<th><strong>MEETS STANDARDS</strong></th>
<th><strong>NEEDS IMPROVEMENT</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. PROBLEM SOLVING</strong></td>
<td>Consistently seeks out and identifies problems, taking appropriate action to resolve the matter. Draws on a variety of resources to solve problems in a comprehensive and timely manner.</td>
<td>Identifies problems in assigned areas, assists with problem-solving efforts and solves problems in a timely fashion.</td>
<td>Is frequently unaware of problems in assigned area or does not generally take action to solve problems identified for them. Typically, does not assist or pro-actively participate in problem-solving efforts.</td>
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<tr>
<td><strong>2. COMMUNITY INTERACTION/ PARTNERSHIP</strong></td>
<td>Has exceptional knowledge of community issues and works toward addressing them with little or no direction. Regularly participates in community meetings/events. Seeks community input and excels at building positive relationships with citizens.</td>
<td>Familiar with community groups and keeps abreast of major issues. Responds to community concerns when raised, assigned, or identified. Participates in community meetings when necessary. Attempts to develop community partnerships and relationships with community members.</td>
<td>Demonstrates a lack of interest in developing relationships with the community. Fails to engage community without being assigned to do so. Minimal effort put toward resolving community concerns. Does not routinely participate in community meetings. Is unaware of or indifferent to community groups and their concerns.</td>
</tr>
<tr>
<td><strong>3. PERFORMANCE OF DUTIES</strong></td>
<td>Excels at meeting performance standards while supporting department goals and objectives. Sets example for and works with others to achieve department goals.</td>
<td>Performs at an acceptable level; completes work on time and attends to all duties. Demonstrates clear understanding of department goals and standards. Works appropriately toward achieving those goals.</td>
<td>Generally, does not adhere to department performance standards. Does not demonstrate an understanding of department goals, or if known, does not support them. Does little or no work to achieve goals.</td>
</tr>
<tr>
<td><strong>4. JUDGMENT AND DECISION MAKING</strong></td>
<td>Sound judgment and decision-making with little or no supervision. Weighs all options and impacts before making decisions. Accepts responsibility for actions taken; seeks constructive criticism, and is eager for feedback.</td>
<td>Demonstrates good judgement and makes appropriate decisions. Seeks out guidance and supervision when necessary. Considers the impact(s) and consequences of decisions and accepts responsibility for actions taken. Open to feedback and alternatives.</td>
<td>Demonstrates the inability to make independent or good/sound decisions. Often times, exercises poor judgment. Requires excessive or constant supervision and oversight. Wants others to make the decision; fails to accept responsibility for decisions made, or actions taken.</td>
</tr>
<tr>
<td><strong>5. INITIATIVE</strong></td>
<td>Highly motivated; self-starter; sets an example for other employees. Attempts to address issues; does not expect others to act instead. Actively pursues opportunities to improve performance. Productivity is exemplary.</td>
<td>Displays proper motivation; takes action when necessary. Only requires routine guidance and direction. Uses resources when necessary and appropriate. Productivity within acceptable level.</td>
<td>Lacks proper motivation and must be urged to get results. Often times, fails to take action or recognize when action is required. Self-initiated activity and productivity are below acceptable levels.</td>
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<tr>
<td><strong>6. ORAL COMMUNICATION</strong></td>
<td>Exceptional in expressing thoughts and ideas. Maintains professional communication while remaining compassionate and understanding. Listens attentively and with comprehension. Always conveys a positive attitude.</td>
<td>Communicates in a professional, respectful, and appropriate manner. Uses active listening skills and generally comprehends others message and intent. Generally, conveys a positive attitude.</td>
<td>Verbal communication is often times ineffective and/or inappropriate. Is frequently unable to communicate clearly. Is often perceived as being officious, disrespectful, or disinterested in communicating with others. Generally, conveys a negative attitude.</td>
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<tr>
<td><strong>7. WRITTEN COMMUNICATION</strong></td>
<td>Submits exemplary written documents. Identifies and addresses all pertinent issues regardless of complexity of subject. Documents are clear, concise, and comprehensive and are submitted on or before the due date.</td>
<td>Submits concise, comprehensive, and understandable written documents in most cases. Documents are generally of good quality, free of spelling errors, grammatical errors, and are turned in on time, in most cases.</td>
<td>Does not typically produce good quality, clear, and concise written documents. Documents do not generally meet department standards. Documents may be difficult to read due to poor handwriting, spelling and grammatical errors. Documents are often not turned in on time. Many are returned for corrections.</td>
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<td><strong>8. TEAM WORK</strong></td>
<td>Committed to the success of the team; seeks out ways to provide assistance to coworkers to help accomplish work and meet goals. Treats others as valuable assets and maintains outstanding working relationship with others.</td>
<td>Actively participates as part of a team; recognizes importance of team unity and cohesiveness. Offers assistance when asked, has been a resource to others at times. Maintains acceptable relationships with others.</td>
<td>Focuses on self; does little to assist others or develop team unity or achieve stated goals. Sees helping others to succeed and develop as not a part of their job. Is disengaged and does little to develop and foster acceptable relationships with others.</td>
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<tr>
<td>CATEGORY</td>
<td>EXCEEDS STANDARDS</td>
<td>MEETS STANDARDS</td>
<td>NEEDS IMPROVEMENT</td>
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<tr>
<td>9. INVESTIGATIVE SKILLS</td>
<td>Consistently completes thorough, detailed investigations containing all pertinent information and follow up. Rarely has reports returned as needing additional investigation or follow up.</td>
<td>Generally, completes thorough, detailed investigations. Usually, follows up on leads when able. Provides investigator with solid foundation from which to work. Occasionally has reports returned for missing information or additional work.</td>
<td>Often fails to complete a thorough and complete investigation. Generally, does minimal follow up or fails to recognize potential leads. Reports often returned as incomplete, lacking the elements of the crime, or missing other relevant/important information.</td>
</tr>
<tr>
<td>10. WORKPLACE SAFETY</td>
<td>Focusses on maintaining sound officer safety tactics and a safe work environment for self and others. Identifies potential risks and sees that the concern is reported or addressed. Embraces responsibility to maintain safety standards.</td>
<td>Cognizant of the importance of workplace and personal safety. Reports safety concerns when discovered. Is generally, tactically sound and does not subject others to unsafe situations. Does not take undue risks or allow others to do so.</td>
<td>Demonstrates poor officer safety tactics and/or a disregard or indifference to workplace hazards. Ignores or does not recognize potential threats; assumes others will. Fails to maintain a safe work environment and/or equipment. Takes undue risks or exposes others to the same, including poor driving practices.</td>
</tr>
<tr>
<td>11. APPEARANCE</td>
<td>Exceptional level of fitness; capable of facing any physical challenge. Uniform is impeccable, shoes are polished, shirt and trousers neatly pressed. Grooming standards are adhered to without fail.</td>
<td>Maintains an acceptable level of physical fitness capable of facing most physical challenges. Uniform is neat and free of discoloration or wear. Appearance and grooming are generally good.</td>
<td>Fitness level such that employee is unlikely to be able to face many physical challenges. Uniform is often disheveled, soiled, wrinkled, or shows wear and shoes are unpolished. Grooming standards are generally not followed.</td>
</tr>
<tr>
<td>12. OUR MISSION AND VISION</td>
<td>Demonstrates firm support and commitment to achieving our Mission and Vision. Delivers service to fulfill them in every aspect of their work. Champions their importance and convinces others to support them.</td>
<td>Understands and supports the Mission and Vision. Understands their importance and how they apply to their work. Generally, uses them as the guiding principle and supports the direction of the organization.</td>
<td>Either indifferent to or purposefully resisting the organization’s efforts to achieve our Vision or adhere to our Mission. May actively attempt to undermine success or does not voice support among peers and/or Staff.</td>
</tr>
<tr>
<td>13. OUR VALUE DRIVERS</td>
<td>Fully committed to the Value Drivers; incorporating them into their daily work. Uses them as guiding principles in service delivery and champions them to others to ensure success. Encourages coworkers to recognize their merit and embrace them.</td>
<td>Supports the Value Drivers and tries to incorporate them when able. Understands their value and recognizes their application to work. Does not downplay their significance and discusses them with fellow employees in a positive manner, when possible.</td>
<td>Fails to accept the Value Drivers as important or related to their work. Makes little or no attempt to incorporate them into daily work. Is not committed to using them as guiding principles for their work. Either actively degrades their value or fails to take action when others do so.</td>
</tr>
<tr>
<td>CATEGORY</td>
<td>EXCEEDS STANDARDS</td>
<td>MEETS STANDARDS</td>
<td>NEEDS IMPROVEMENT</td>
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<td>----------------------------------</td>
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<tr>
<td>14. Leadership Skills</td>
<td>Demonstrates outstanding leadership qualities. Is highly competent, committed, and</td>
<td>Generally, demonstrates good leadership qualities. Is competent, committed, and</td>
<td>Does not generally demonstrate good leadership qualities, and/or seldom takes</td>
</tr>
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<td>loyal. Garners high level of respect by professional conduct and actions.</td>
<td>loyal. Is mostly respected for conduct and action.</td>
<td>leadership role. Does not garner respect, due to lack of competence, and/or</td>
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<td>Inspires and motivates others to perform at an optimum level and builds commitment to</td>
<td>Generally, has success at inspiring and motivating others and work to build</td>
<td>commitment. Is not effective or fails to inspire and motivate others toward</td>
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<td>the Department's mission. Is an expert developer, mentor and coach.</td>
<td>commitment to the Mission. Routinely, transfers knowledge and expertise to</td>
<td>positive results. May create conflict or dissension in the workplace. Does not</td>
</tr>
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<td></td>
<td>employees.</td>
<td>demonstrate loyalty to the organization’s leadership and direction.</td>
</tr>
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<td>15. Employee Development</td>
<td>Committed to employee development. Guides employees in career planning and goal setting.</td>
<td>Generally provides employees the opportunity for training and overall development.</td>
<td>Fails to help employee develop and improve. Provides inadequate guidance on</td>
</tr>
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<td></td>
<td>Delivers and facilitates needed training. Regularly monitors employee performance</td>
<td>Helps employees with career planning and goal setting. Monitors performance and</td>
<td>development and training opportunities. Does not monitor employee performance or</td>
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<td></td>
<td>providing guidance toward improvement. Readily addresses performance issues and</td>
<td>provides feedback. Quickly responds to and corrects improper performance and</td>
<td>recognize deficiencies. Ignores, disregards, or downplays employee performance</td>
</tr>
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<td>gives open, honest and helpful feedback.</td>
<td>conduct.</td>
<td>issues and does not address them promptly or adequately.</td>
</tr>
<tr>
<td>16. Planning and Organizational</td>
<td>Displays excellent administrative skills. Thoroughly plans and coordinates activities</td>
<td>Handles administrative tasks and responsibilities appropriately. Plans and</td>
<td>Does a poor job of handling administrative tasks and duties. Oftentimes, fails to</td>
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<td>Skills</td>
<td>and responsibilities and gets the job done on time. Allows employees to successfully</td>
<td>coordinates activities and responsibilities, when required. Generally, provides</td>
<td>plan appropriately given the circumstances. Does not delegate work effectively to</td>
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<td>develop, implement, and complete assigned projects.</td>
<td>opportunities for employees to develop, implement, and complete projects.</td>
<td>capable employees or abdicates responsibility by delegating all tasks to</td>
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<td>Does not micromanage.</td>
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<td>subordinates.</td>
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<td>17. Professional Work Environment</td>
<td>Inspires a professional work environment based upon the virtues of ethics, integrity,</td>
<td>Maintains a professional and equitable work environment. Adheres to professional</td>
<td>Does not adequately maintain a professional work environment or is unaware of the</td>
</tr>
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<td>and fairness. Takes exceptional steps to ensure employees are aware and adhere to</td>
<td>standards and confronts problems. Satisfactorily applies disciplinary procedures.</td>
<td>situation. Displays a substandard level of professionalism. Fails to accept or</td>
</tr>
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<td>professional standards. Fairly and effectively applies disciplinary procedures to</td>
<td>Recognizes the value and promotes our axiom &quot;Service – Honor – Commitment&quot; and</td>
<td>take responsibility as a supervisor. Disciplines inappropriately, oppressively,</td>
</tr>
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<td>correct behavior. Exemplifies and champions our axiom &quot;Service – Honor – Commitment.&quot;</td>
<td>does a good job of incorporating it into work efforts.</td>
<td>or ignores performance and conduct issues. Responds emotionally without due regard</td>
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<td>for fairness. Fails to adequately promote our axiom of &quot;Service – Honor –</td>
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<td>Commitment.&quot;</td>
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OIS signed Guidelines MCCLEOA 11-08-18.pdf
MONTEREY COUNTY CHIEF LAW ENFORCEMENT OFFICERS’ ASSOCIATION

(MCCLEOA)

OFFICER-INVOLVED INCIDENT GUIDELINES
Monterey County Chief Law Enforcement Officers' Association
Officer-Involved Incident Guidelines
Date: November 08, 2018

FOREWORD

These guidelines have been developed to guide individual agencies conducting investigations of Officer-Involved Incidents. The goal of these guidelines is to help assure that such cases are fully and fairly investigated, and that proper dispositions of such cases are made based upon all the legally available, relevant evidence.

This document represents the consensus of member agencies as to how such cases are to be investigated. The guidelines permit individual agencies to make modifications in order to meet individual agency regulations. The guidelines are not intended to increase the civil or criminal liability of member agencies or their employees and shall not be construed to create any mandatory obligations to, or on behalf of, third parties. Agencies represented should review their related policies and make every effort to modify them to avoid conflict with these guidelines. Each agency's individual policy may be attached to these guidelines.
A. GENERAL POLICY STATEMENT

Investigations of Officer-Involved Incidents will be conducted to develop all available relevant information about the incident. They will be performed in a manner that provides for a thorough and credible investigation that is free from conflicts-of-interest.

Such investigations are designated "Incident Investigations," the goals of which are to determine:

1. The identity of the person(s) responsible;

2. The existence or non-existence of conduct constituting a criminal act; and

3. If it is determined that a criminal act has been committed, then the following are to be determined:
   a. Any legal or factual defenses to the crime;
   b. The existence of any factors which might mitigate or aggravate punishment for the criminal conduct.

The investigations shall be performed in a manner consistent with the rules of evidence in a criminal proceeding. Any administrative investigation shall be separate and distinctly different from the Incident Investigation.

The investigation of each Incident will commence as promptly as practicable after the occurrence.

B. DEFINITIONS

For the purpose of these guidelines the following definitions are offered:

"Officer-Involved Incident"

An “Officer-Involved Incident” is any incident in which a peace officer or custodial officer (both herein referred to as “Officer”), acting under color of authority, is directly involved in the following:

1. Any discharge of a firearm by an Officer which proximately causes the death of, or injury to another.

2. An intentional use of any other deadly or dangerous weapon by an Officer which proximately causes the death of, or injury likely to produce death to another.

3. An intentional act on the part of an Officer which proximately causes the death of, or injury likely to produce death to another.
4. Any death of person while in custody, or under Officer control.

Excluded from mandatory protocol investigations are post-booking deaths of prisoners, which occur in jails, hospitals or other facilities, while the prisoner is under the custody and care of a Law Enforcement Agency’s (LEA) medical care provider for diagnosed diseases or conditions which have been known and monitored and/or treated by the LEA's medical care provider prior to death.

"Peace Officer" and "Custodial Officer"

1. Local law enforcement officers defined by Penal Code, § 830.1 et seq. (e.g., Municipal Police, Sheriff, D.A. Investigators, Coroner Investigators, and Probation Officers) and Reserve Officers and Reserve Deputies defined by Penal Code §830.6.

2. Custodial Officers defined by Penal Code § 831.5 (e.g., DOC Correctional Officers).

3. State Officers, (e.g., CHP, DOJ, University Police, Parole Officers).


5. Welfare Fraud Investigators defined by Penal Code § 830.35.

"Primary Agency"

The agency, or agencies, with geographic jurisdiction over the incident.

"Employing Agency"

The agency which employs the Involved Officer.

"Officer-Involved"

1. The Officer whose act may be a "proximate cause" of the injury to another person; or

2. The Officer who may intend that his/her act be a "proximate cause" of the injury to another person.

"Proximate Cause"

A cause which, in a natural and continuous sequence, produces the injury, and without which the injury would not have occurred.

"Incident Investigators"
The persons assigned by the Primary Agency(cies) and the District Attorney's Office to conduct the Incident Investigation.

C. INVESTIGATIVE RESPONSIBILITY

The responsibility for conducting the Incident Investigation rests with the Primary Agency, which has the ultimate responsibility for the preservation and security of the scene(s), collection of evidence at the scene(s) and from the Involved Officer(s), including their equipment and/or vehicles, when appropriate.

1. Initial officers at the scene will make all reasonable efforts to preserve and secure the scene, pending the arrival of the Incident Investigators.

2. The Primary Agency usually will conduct its own investigation. However, it may seek investigative assistance from the District Attorney or from other agencies.

3. If investigative assistance is obtained from another agency, the Primary Agency may maintain control of the investigation itself, or it may relinquish the primary responsibility for the investigation to the agency from which it obtained the assistance.

4. A crime scene unit of another jurisdiction or Department of Justice may be called upon for assistance at the discretion of the Primary Agency.

5. In Incidents where a vehicular collision or other vehicular movement is involved, another agency may be called upon for investigatory assistance in that phase of the Incident Investigation.

Until agreement regarding investigative responsibility is reached among the various Involved Agencies in a specific case, immediate investigative responsibility is determined in this order:

1. The Primary Agency.

2. The agency whose on-duty employee, acting apparently for a law enforcement purpose, was an Involved Officer.

3. The agency within whose jurisdiction the victim's body was first discovered after infliction of the injury.

If an on-duty peace officer is involved in an Incident within the geographical jurisdiction of another agency the District Attorney’s Office shall conduct the investigation.

The Sheriff maintains primary responsibility for the investigation of Incidents that occur or emanate:
1. Within the buildings or secured grounds of detention or correctional facilities, including:
   a. 1414 Natividad Road, Salinas (County Jail)
   b. 240 Church Street, Salinas (Courthouse Complex)
   c. 118 W. Gabilan Street, Salinas (Courthouse Annex)
   d. 1200 Aguaajito Road, Monterey (Monterey Court)
   e. 1420 Natividad Road, Salinas (Juvenile Court)
   f. 3180 Del Monte Boulevard, Marina (Traffic Court)
   g. 250 Franciscan Way, King City (South County Court).

D. ROLE OF THE DISTRICT ATTORNEY

During an Incident Investigation the District Attorney will:

1. Assist and advise the Incident Investigators on the various legal issues that may arise, including search and seizure, Miranda, identification procedures, arrests, elements of crimes, immunity, and voluntariness.

2. Monitor the police investigation.

3. When deemed necessary, perform an independent investigation, separate from that of the police investigation. The District Attorney will notify the Primary Agency if an independent investigation is being conducted, except if such notification would compromise the integrity of the independent investigation.

   a. A District Attorney Investigator assigned to participate as an Incident Investigator assisting or teamed with a Primary Agency Incident Investigator will not be a member or participant of an independent District Attorney investigation unless the Primary Agency is notified of such a dual role.

4. Ultimately determine if criminal liability exists.

E. NOTIFICATIONS

Upon identifying an occurrence as being an "Officer-Involved Incident", the Employing Agency shall make the following notifications as promptly as possible:

1. Intra-department, as required by that agency's procedures;

2. Primary Agency (If different from the Employing Agency); and

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1 In the event the Involved Officer is a District Attorney Investigator, the California Attorney General’s Office will assume the role of the District Attorney as cited in this protocol. Additionally, a California Department of Justice criminal investigator will assume the role of the District Attorney Investigator.
3. District Attorney's Chief Investigator or designee (via County Communications).

The Primary Agency shall make the following confirmations and notifications as promptly as possible:

1. Confirm that the District Attorney's on-call Chief Investigator, or designee, has been notified; and

2. Upon confirmation of a fatality, notification of the Coroner's Office.

F. SCENE PROCEDURES AND SECURITY PENDING ARRIVAL OF INVESTIGATORS

Emergency life saving measures have the first priority. If a person is transported to a medical facility with injuries, an officer should accompany that person in the same vehicle for the following purposes:

1. Preserve, safeguard and maintain the chain of evidence;

2. Obtain witness statements and document any spontaneous statements made to medical personnel;

3. Maintain custody if the person is under arrest, ensuring the preservation of his/her clothing and possessions; and

4. Provide information to and from the medical personnel. (If airlifted, immediate response to the hospital is required).

Pending arrival of the Primary Agency and Incident Investigators, the scene(s) should be secured immediately, with a perimeter established for each scene a sufficient distance away to safeguard evidence.

1. Access should be limited to only those who must enter for official reasons;

2. When not needed for life saving efforts, entry by fire and ambulance crewmembers should also be limited to those whose presence is necessary; and

3. A log, started as soon as possible, should be kept of the identities of all persons entering the scene, the time of their entry and exit, and the reason for the entry of each.

Whenever possible, all witnesses and Involved Officers should be separated as soon as practical after the incident to ensure that statements and recollections of events are independent.
1. In cases of a death in a jail or detention facility, all persons, including prisoners, who may have witnessed events leading up to the death shall be identified and separated pending interviews by investigators.

Ultimately, the Primary Agency has the responsibility for securing and processing the crime scene, including the Involved Officers.

1. Evidence collection, witness coordination and general crime scene processing will be under the authority and follow the procedures of the Primary Agency. The Primary Agency may defer its investigative authority to the Employing Agency.

2. Physical evidence at the scene which is in danger of being contaminated, destroyed or removed must be promptly and effectively observed, recorded and then protected for subsequent collection.

G. INCIDENT INVESTIGATION VS. ADMINISTRATIVE INVESTIGATION

This protocol is intended as an interagency guideline for Incident Investigations (as defined on page 1) of Officer Involved Incidents. This protocol is not intended to address issues concerning the administrative investigation of the incident.

1. The administrative investigation is the function of the agency employing the Involved Officer and will include administrative and non-criminal matters that are not within the scope of the Incident Investigation.

2. At the onset of the investigation of an incident, there must be an immediate and clearly defined distinction between the Incident Investigation and the Administrative Investigation.

3. The agency employing the Involved Officer, whether it is the Primary Agency or not, has an interest in the outcome of the Incident Investigation and may utilize the results of that investigation for its own non-criminal purposes (e.g., determination of possible violations of departmental regulations, establishing suitability for duty, training for use in civil suits or administrative claims brought by or against the agency).

H. INTERVIEWS WITH PEACE OFFICER AND CUSTODIAL OFFICER EMPLOYEES

Interviews with officer and custodial officer employees should be conducted by the investigator(s) from the Primary Agency. The Primary Agency will determine who will participate in the interview of any Involved Officer(s) or witnesses and where the interview(s) will take place.

1. Prior to the interview of an Involved Officer, investigators from the Primary Agency should review all available audio/video recordings from police vehicle in-
car cameras, personal body cameras worn by responding officers and/or an Involved Officer, independent third parties, and independent sources.

2. Interviews of an Involved Officer and witnesses to an Incident should be recorded.

3. The assigned District Attorney investigator and Employing Agency representative, if not physically present during the interview, will be permitted to monitor the interview or have immediate access to any recording made of the interview.

An initial preliminary interview of an Involved Officer will ordinarily occur before the officer views audio/video recordings of the incident. This interview shall be limited in scope with the primary goal of establishing the officer's state of mind that led to the use of force. An Involved Officer will have an opportunity to review recordings after the initial statement has been taken. Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by an Involved Officer. The investigator has the discretion to admonish an Involved Officer about the limitations of audio/visual recordings.

Investigators may ask the Involved Officer to view the incident scene during a “walk-through.” The investigator will determine the timing of the “walk-through,” however, it should not occur prior to the initial statement of the Involved Officer. Only one Involved Officer at a time will be permitted to do a “walk-through” of the scene.

If, prior to or during the interview, it is deemed that the Involved Officer may be charged with a criminal offense, and the interview becomes custodial, the officer shall be immediately informed of his/her constitutional rights pursuant to the Miranda decision.

To ensure the voluntariness of an interview with an Involved Officer, that has not reached the level of a custodial interrogation, the investigator may wish to advise him/her as follows:

1. The Involved Officer is not in custody and is free to leave the interview.

2. The Involved Officer is not obligated to answer incriminating questions, and answers that are given may be used against him/her in court.

The Involved Officer may consult with a representative prior to being questioned by the Incident Investigators. Some or all of these considerations may be applicable:

1. The consultation should not be allowed to materially impede the investigation.

2. The representative should be permitted to consult with only one Involved Officer at a time.
3. To ensure the integrity of each interview, it is important that statements about the incident not be relayed through such representatives; rather, the Involved Officer and other officer witnesses should answer the questions directly even if they need to consult with their representative prior to answering.

I. INTOXICANT TESTING

If the Incident Investigators determine that an Involved Officer’s state of sobriety is relevant to the Incident Investigation, they shall proceed as they would with any civilian person in a similar situation. Their options are to:

1. Obtain a blood sample for alcohol and/or drug testing, and/or a urine sample for alcohol and/or drug testing, with the Involved Officer’s valid consent; or

2. Obtain a blood sample for alcohol and/or drug testing and/or a urine sample for alcohol and/or drug testing, incidental to the arrest of that person for a crime; or

3. Obtain a blood sample for alcohol and/or drug testing and/or a urine sample for alcohol and/or drug testing, pursuant to a search warrant.

In the event appropriate physiological samples are not obtained from an Involved Officer as part of the Incident Investigation, the Employing Agency (whether or not it is also the Primary Agency) may wish to obtain such sample(s) for administrative employment-related purposes. The options are to:

1. Obtain the sample(s) with the employee officer's valid consent; or

2. Obtain the sample(s) by ordering the employee officer to provide such sample(s) based upon the employer-employee relationship.

Departments may establish administrative policies regarding intoxicant testing of any employee involved in an incident.

1. If the Employing Agency asks for a physiological fluid sample for administrative purposes after the Incident Investigators have either been unable to obtain a sample or have decided against obtaining one, the Employing Agency will be accommodated as much as possible. The Employing Agency's efforts to obtain a sample should not interfere with the Incident Investigation.

An employee officer may volunteer to provide a physiological fluid sample for intoxicant testing even if the Incident Investigators and Employing Agency have not ordered one. Similarly, a person from whom the Incident Investigators or the Employing Agency has taken a sample may wish to have a second sample taken for independent testing. Such requests should normally be accommodated, with the understanding that the employee officer will bear any expense for sample collection and testing.
J. AUTOPSY

At least one of the primary Incident Investigators shall attend the autopsy. A member of the District Attorney's staff may also be present.

1. The Incident Investigators (evidence collection team) have the responsibility for the collection and documentation of physical evidence at the autopsy.

The Pathologist and Coroner Detective should receive a full and complete briefing prior to the post-mortem examination. The briefing should include all relevant information available at that time which may tend to aid in determining cause, manner and means of the decedent's death. The Incident Investigator(s) and a member of the evidence collection team should be present at the briefing.

When possible, the Primary Agency will coordinate with the pathologist performing the autopsy to assure the reports, toxicology and other laboratory results are completed expeditiously, i.e., take priority over other death cases—when feasible.

K. NEWS MEDIA RELATIONS

A representative of the Primary Agency is in the best position to comment about the facts of the case and the progress of the investigation. When multiple agencies are involved or have knowledge of an Incident, the following information release guidelines should be followed:

1. The Primary Agency will assign a particular individual to be the sole contact with the news media to manage the release of information and to minimize interruptions to incident investigators. If this is not feasible, a particular job assignment (e.g., Watch Commander) should be designated.

2. If Incident Investigators determine that the release of a specific piece of information would materially jeopardize the investigation, they shall notify those agencies possessing that knowledge of the hazards of releasing it.

3. Agencies and individuals that are not well informed and intimately involved with the investigation's results and progress should not make statements to the press. As in all other instances, care must be taken to insure that intentionally misleading, erroneous or false statements are not made.

4. The interest of the public's right to know what occurred must be balanced with the requirements of the investigation and with the right of the accused to receive a fair trial.

Other agencies may also be contacted by the news media for information about the Incident, including:
The Employing Agency

1. If the Employing Agency is not also the Primary Agency, it should coordinate any information release with the Primary Agency and limit its comments to the following areas:
   a. The employer-employee relationship, however, the names of the Involved Officer(s) will not be released until 24 hours after the incident to allow time for appropriate notifications to be made.
   b. Information which has been cleared for release by the Primary Agency.

The District Attorney

1. The District Attorney will not disseminate any of the following information:
   a. That an uncharged individual is “under investigation.”
   b. An Involved Officer’s statement, confession or refusal to give a statement.
   c. The subject of any gag order.
   d. The prior criminal history of any Involved party, unless it is part of the criminal pleading or crime under investigation.
   e. The result of any examinations.
   f. The pendency of a search warrant.
   g. Any statement that has a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

2. In cases where a criminal complaint is filed, the judicial record, such as a probable cause declaration, or preliminary hearing is open to the public. Additionally, the District Attorney may disseminate the following:
   a. Name of defendant.
   b. Area of residence.
   c. Occupation.
   d. Physical description.
   e. Age.
f. Sex.

g. Time, date and location of arrest.

h. Factual circumstances of the crime.

i. Amount of bail.

j. Location held.

k. All charges including warrants.

l. Parole or probation holds.

m. Schedule and explanation of the judicial process.

n. Penalty range.

The Coroner's Office

Information obtained from the Incident Investigators or from the Involved Agencies will not be released by the Coroner's Office without prior clearance from those agencies. Release of information will generally be limited to the following:

1. Autopsy findings, including the condition of the deceased, the cause of death, and toxicology test results, after the Involved Agencies have received this information and, if applicable, after the District Attorney's office has cleared the Involved Officer(s). The Coroner's Office will not release any information to the media where there is a pending criminal prosecution. The Involved Agencies shall provide a written request to the Coroner for non-release of the Coroner's Report, the Autopsy Report and the Toxicology Report pursuant to Government Code § 6254 (f).

2. The general role of the Coroner's Office in the investigation of any death.

L. ACCESS TO REPORTS AND EVIDENCE

Material created or collected by the Primary Agency's Incident Investigators, as well as by any other assisting agencies, will be made available in a timely manner to those agencies which have a "need to know" and which are legally authorized to receive the information. The material may include:

1. Reports written and collected.

2. Physical evidence obtained.
3. Photographs and diagrams.

4. Recordings.

The agencies with an interest in the Officer-Involved Incident Investigation may include:

1. Investigating agencies.

2. The employer of any Involved Officer.

3. The District Attorney.

4. The Crime Laboratory.

5. The Coroner's Office.

M. FINAL ACTION

The Officer-Involved Incident Investigation should be completed and all reports submitted to the Office of the District Attorney within 90 days of the Incident, absent unusual circumstances.

At the conclusion of the investigation, the Office of the District Attorney will review and analyze all the evidence to determine whether the officer acted lawfully.

The crime charging standards are the same for civilians and peace officers. The District Attorney’s policy regarding crime charging is as follows:

“The prosecutor should charge only if the following four basic requirements are satisfied:

1) The prosecutor, based on a complete investigation and a thorough consideration of all pertinent facts readily available, is satisfied that the evidence proves that the accused is guilty of the crime to be charged;

2) There is legally sufficient, admissible evidence of a corpus delicti;

3) There is legally sufficient, admissible evidence of the accused’s identity as the perpetrator of the crime charged; and

4) The prosecutor has considered the probability of conviction by an objective fact finder and has determined that the admissible evidence is of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact finder after hearing all the evidence available to the prosecutor at the time of charging and after considering the most plausible and reasonably foreseeable defenses.”
If no charges are filed, the District Attorney will issue a closing report summarizing the results of the investigation and analyzing the evidence. This report will address the question of whether or not there is proof beyond a reasonable doubt that an officer, deputy, or any other person committed a crime. It is not the purpose of the District Attorney’s investigation or report to determine if any officer or deputy violated police policy or procedure, or committed any act that would be subject to civil sanctions. The District Attorney’s Office will make every effort to issue a closing report containing its findings and conclusion within 90 days of the receipt of the completed investigative package. This report shall be sent to the involved police agencies, the decedent’s family and then released to the public.

N. TRAINING

All affected agencies are strongly encouraged to provide training to their members regarding these guidelines, including:

1. The responsibilities of the Incident Investigators and first responders to the scene of an Officer-Involved Incident.

2. The investigative process of an Officer Involved Incident, including the specific process relative to the actual officer(s) involved.

3. The psychological effect(s) which may be experienced by the Involved Officer and/or officers who were involved in the incident.

The employing agencies are encouraged to provide some form of critical incident stress debriefing to their affected employees.
In recognition of the inherent difficulties faced by law enforcement when dealing with Officer-Involved Incident Guidelines.

JEFFREY J. HOYNE
President – Monterey County Chief Law Enforcement Officer’s Association

DECEMBER 13, 2018

City Police Chiefs:
Carmel-By-The-Sea PD – Chief Paul Tomasi
Del Rey Oaks PD – Chief Jeffrey J. Hoyne
Gonzales PD – Chief Keith Wise
Greenfield PD – Chief Denise Chavez Oglesby
King City PD – Chief Robert Masterson
Marina PD – Chief Tina Nieto
Monterey PD – Chief David J. Hofer
Pacific Grove PD – Chief Amy Christey
Salinas PD – Chief Adele Fresse
Sand City PD – Chief Brian Ferrante
Seaside PD – Chief Abdul Pridgen
Soledad PD – Chief Eric Sills

County of Monterey
District Attorney – Mr. Dean Flippo
Chief Probation Officer – Ms. Marcia Parsons
Sheriff/Coroner – Sheriff Steve Bernal

State of California
CSU Monterey Bay – Chief Earl Lawson
California State Parks – Superintendent Brent Maashall
CHP – Salinas Office – Captain Kelly Cardoza
CHP – King City Office – Lieutenant Chris Paredes
CDCR, Adult Parole – District Administrator Anthony Ivanich
Fish and Wildlife - Vacant
Monterey County Chief Law Enforcement Officers’ Association
Officer-Involved Incident Guidelines
Date: November 08, 2018

Salinas Valley State Prison – Warden Tammy Foss
Soledad State Prison – Warden Craig Koenig

Federal Agencies
Presidio of Monterey PD – Chief Christopher Norlund
Naval Support Activity Monterey PD – Vacant
Fort Hunter Liggett PD – Chief Leonard Lovett
FBI, Monterey – SSRA Lucas Beebe
Monterey County Chief Law Enforcement Officers’ Association
Protocols & Agreements

Subject: Monterey County Emergency Protective Order

I. Purpose

It is the intent of the Superior Court of Monterey County and the Monterey County Chief Law Enforcement Officers Association to establish the following protocol in order to implement an efficient and trustworthy system for the issuance of emergency protective orders.

II. Law Enforcement Response to Domestic Violence

It is understood that law enforcement’s primary response to all domestic violence incidents shall be in accordance with the “Guidelines and Curriculum for Law Enforcement Response to Domestic Violence” issued by the Commission on Peace Officer Standards and Training (hereinafter, P.O.S.T. guidelines).

This protocol is not intended to supersede the P.O.S.T. guidelines in any way.

(See also Judicial Council of California Rule 1295.90 Revised January 1, 1994 and Family Code 6240).

It is understood that law enforcement use of the emergency protective order process is discretionary and that proper utilization of the procedure contained in the P.O.S.T. guidelines may obviate the need for an emergency protective order.

III. Judicial Component

The Presiding Judge of the Superior Court shall designate one Superior Court Judge (hereinafter, on-call Judge) to be available to orally issue protective orders at all times when the court is not in session. This duty shall rotate among the judges of the Superior Court on a basis to be determined by the Presiding Judge.

IV. County Communications Component

The Monterey County Communications Department will provide the communication link between the officer and the on-call Judge.

Rev. 07/21/2005
The communication dispatcher will accept from the requesting agency and notify the on-call Judge of the request and telephone number where the officer can be reached. County Communications will initiate the system for contacting the on-call Judge when the Judge is away from home.

The home telephone number of the on-call Judge shall be available only to County Communications and shall not be given to any citizen or requesting police agency.

V. Pre-Request Procedure

An officer responding to a domestic violence incident in which the victim requests an Emergency Protective Order shall initially evaluate the need for an emergency order in accordance with Section VII, Guideline #9A of the P.O.S.T. guidelines. Furthermore, the officer shall institute the following procedures prior to initiating a request for such an order.

A. When appropriate make a felony arrest under P.C. 273.5 or a misdemeanor arrest.

B. If, after an arrest, the officer has a reasonable belief that the suspect will bail out of custody and commit further violence, the officer should request additional bail from a Superior Court Judge.

C. When an arrest is appropriate make a reasonable effort to obtain an agreement between the parties to voluntarily separate until the next court day. The officer should be reasonably satisfied that the agreement will be respected by the parties before deciding not to request an order.

D. Make reasonable efforts to encourage and facilitate the utilization of local women’s shelters for the temporary and emergency housing of the victim until the next court day.

VI. Emergency Protective Order Request Procedure

When the above alternatives are inappropriate or ineffective and the officer continues to have reasonable grounds to believe that the victim is in immediate and present danger of violence, the following procedure should be utilized in order to obtain an emergency protective order.

A. Contact the Watch Commander to obtain his/her concurrence to initiate the telephonic request.

B. Fill out the form entitled “Application for Emergency Protective Order” and have the protected party sign under penalty or perjury.

Rev. 07/21/2005
C. Ask the protected party if there is any pending court action for dissolution of marriage, child custody, domestic violence or harassment involving either party. If so, obtain the case name, court and copies for court documents, if possible.

D. Ask the protected party if there exists a current order restraining either party of affecting custody of any children. If so, obtain a copy of the order, or in the alternative, the name of the restrained party, protected party, name of the court and judge and the effective dates of the party.

E. The office shall contact County Communications, request the on-call Judge, explain the reason for the request and give a telephone number where the officer can be reached directly.

F. County Communications will contact the on-call Judge to notify him of the request for an emergency protective order.

G. The on-call Judge will call the officer and speak to the officer directly.

H. The officer is authorized by the Judge, the officer in charge shall fill out the Emergency Protective Order form including any additional orders specified by the Judge.

I. If the order is authorized by the Judge, the officer in charge shall fill out the Emergency Protective Order form including any additional orders specified by the Judge.

J. Prior to requesting an order regarding custody of minor children the officer shall consider assuring the safety and well-being of minor children by means of alternative emergency housing and/or the use of law enforcement powers under Welfare & Institutions Code Section 300.

K. Serve a copy of the emergency order on the restrained party, if the party can be reasonably located and completed the “Proof of Service” section of the Emergency Protective Order form.

L. Give a copy of the emergency order to the protected party.

M. The officer who requested the emergency order, while on duty, shall carry a copy of the order.

N. A copy of the emergency order shall be filed with the court as soon as possible after issuance. This requirement can be satisfied by having a copy of the order delivered to the Superior Court between 8:00 a.m. and noon the next judicial day. On completion of the current tour of duty, the
copy of the order will be retained in the restraining order files of the department.

O. A copy of the emergency order shall be attached to any reports submitted to the District Attorney when requesting a complaint based on the domestic violence incident.

P. An emergency protective order shall expire at the earlier of the following times:

1. The close of judicial business on the fifth court day of the day of its issuance.

2. The seventh calendar day following its day of issuance.

Do not count the day the order is issued.
1. **PURPOSE.** The purpose of these guidelines is to establish uniformity among all member agencies while responding to media inquiries or making prepared statements as a result of a multi-jurisdictional event/investigation.

2. **GENERAL.** Each member agency recognizes the need to closely coordinate with other affected law enforcement agencies, any investigation or other newsworthy event which is multi-jurisdictional in nature. Each member agency also recognizes the need for the proper and responsible release of information to the public when release of that information will or may have an impact on another law enforcement agency.

3. **GUIDELINES.**

   A. **NEWS RELEASE**

   - The agency having investigative jurisdiction for a multi-jurisdictional event/investigation shall be responsible for preparing and written press release regarding the event/investigation.

   - The Venue Agency and any outside assisting agency shall be given the opportunity to review any written press release and must approve its content prior to release to the media.

   - The response to electronic media inquiries (other than a formal press conference), shall be coordinated between, and agreed upon by, all involved agencies. Normally, the spokesperson will be a representative of the investigating agency.

   B. **RELEASE OF PRELIMINARY INVESTIGATIVE INFORMATION TO NEWS MEDIA**

   It is recognize that due to the high profile of certain events/investigations, there oftentimes will be a need to provide preliminary information to the media prior to the preparation of a formal press release.

   - Any preliminary release of such information to the media shall be coordinated and agreed upon by all involved Agencies.

   - Involved agencies shall agree, at the outset of any multi-jurisdictional investigation, as to which agency/person shall be designated to release preliminary information prior to any subsequent formula press release. The
time of release and point of release of this preliminary information shall also be made known to all involved Agencies.

C. PRESS CONFERENCES

- The need for a formalized press conference requiring separate spokespersons for multi-jurisdictional events/investigations, shall be agreed upon in advance by the respective Agencies.

- Normally, the spokespersons will be the Chief Law Enforcement officer of the involved Agency.

- Prior to the formal press conference, the respective spokespersons shall confer and agree on the parameters of the investigative information to be released. Individual roles and responsibilities shall also be agreed upon. Normally, the spokesperson from the investigating agency will assume a lead role in responding to factual inquiries concerning the investigation.

- Subsequent to the agreement on information release parameters and release by press conference, the involved Agencies are free to comment concerning the involvement of their respective Agencies. Comments should not normally extend beyond previously agreed upon parameters.
1.1 PURPOSE AND SCOPE
The Special Response Unit (SRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). This regional unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

1.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY
The Policy Manual sections pertaining to the Special Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined serves as a guideline to SRU personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

1.1.2 SWAT TEAM DEFINED
A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of SRU policy, such a unit may also be used to serve high risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

1.2 LEVELS OF CAPABILITY/TRAINING

1.2.1 LEVEL I
A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

1.2.2 LEVEL II
A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

1.2.3 LEVEL III
A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a fulltime unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.
1.3 POLICY
It shall be the policy of the Monterey Peninsula Regional SRU to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control
(b) Containment
(c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

1.3.1 POLICY CONSIDERATIONS
A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to the SRU. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SRU Commander or his/her designee.

1.3.2 ORGANIZATIONAL PROCEDURES
The SRU shall develop a separate written set of organizational procedures which should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.
(b) Team organization and function.
(c) Personnel selection and retention criteria.
(d) Training and required competencies.
(e) Procedures for activation and deployment.
(f) Command and control issues, including a clearly defined command structure.
(g) Multi-agency response.
(h) Out-of-jurisdiction response.
(h) Specialized functions and supporting resources.

1.3.3 OPERATIONAL PROCEDURES
The SRU shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SRU members and will outline
tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.
3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

1. When possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether or not a warrant should be regarded as high-risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post incident scene management including:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.

(a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
(b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.

(c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis.

(j) Standardization of equipment deployed.

**1.4 TRAINING NEEDS ASSESSMENT**

The SRU and SWAT Tactical Commanders shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, policy and the training guidelines as established by POST (11 C.C.R. § 1084).

**1.4.1 INITIAL TRAINING**

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

**1.4.2 UPDATED TRAINING**

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team. SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

**1.4.3 SUPERVISION AND MANAGEMENT TRAINING**

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

**1.4.4 SWAT ONGOING TRAINING**

Training shall be coordinated by the SRU Commander. The SRU Commander may conduct monthly training exercises, coordinated by the SWAT and CNT Commanders, that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun and rifle qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun and rifle. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the SRU Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

1.4.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

1.4.6 SCENARIO BASED TRAINING
The SRU should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

1.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the SRU Logistics Commander. An SRU training file shall be maintained with documentation and records of all team training.

1.5 UNIFORMS, EQUIPMENT, AND FIREARMS

1.5.1 UNIFORMS
SWAT Operators from the SRU should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.
1.5.2 EQUIPMENT
SRU SWAT team members should be adequately equipped to meet the specific mission(s) identified by the team.

1.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency/SRU-issued or approved, including any modifications, additions, or attachments.

1.5.4 OPERATIONAL READINESS INSPECTIONS
The SRU Commander shall appoint an SRU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SRU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SRU facility and equipment maintained or used in SRU vehicles.

1.5.5 OPERATION OF BEARCAT VEHICLE

Purpose and Scope
The purpose of this policy is to establish procedures for the authorization of deployment, operation, training, supervision and evaluation of the Monterey Peninsula Regional Special Response Unit (SRU) Rescue Vehicle.

Vehicle Deployment
The SRU Rescue Vehicle, a Lenco BearCat, is specialized equipment designed for specific purposes. The SRU Rescue Vehicle is intended for use during critical incidents including, but not limited to:

- Hostage situations,
- Barricaded subject incidents,
- Active shooter situations,
- High risk arrest and search warrants,
- Any threat of explosive devices, and
- Other situations where ballistic protection is necessary for the protection of personnel

The SRU Rescue Vehicle will not be deployed for situations such as peaceful protests or demonstrations where violence is not threatened toward the public, property or law enforcement personnel. When deploying the vehicle one must consider how its use or misuse could create fear or distrust in the community and take steps to mitigate those negative effects.

The SRU Rescue Vehicle may be deployed for exhibition at community based events for the purpose of educating and familiarizing the public with its use and purpose.

Requests for use of the SRU Rescue Vehicle by outside jurisdictions will be made through the SRU Commander. Once approved, the vehicle will be operated solely by trained SRU personnel for the duration of the event in question. The SRU Rescue Vehicle shall not be deployed at the request of another agency unless the request meets the deployment criteria defined by this policy.
Supervision of Use
Any operation of the SRU Rescue Vehicle will be conducted under the direction of an SRU supervisor. Any deployment of the SRU Rescue Vehicle will be authorized by the SRU Commander prior to deployment. If the SRU commander is unavailable in an emergency situation, deployment may be authorized by an SRU supervisor. The SRU Commander will be notified of its use and deployment as well as the scope of its operation as soon as practical.

Operation and Training
The SRU Rescue Vehicle will only be driven by approved personnel who have received training in the vehicle’s operation. The training will include both classroom and practical driving exercises. Operators will also receive scenario based training to include the decision making process as to how it should and should not be deployed. Scenario based training will combine constitutional and community policing principles as it relates to SRU Rescue Vehicle deployment.

A minimum of two (2) safety officers will be present during training outside of classroom settings. Safety officers must be in a position to monitor the training environment and not participate in tasks which lead to divided attention. Safety officers must be members of SRU or have advanced training and familiarity on the training topic/equipment. Training on the Bearcat will include a safety briefing at the beginning of each training with emphasis on the specific safety considerations for the SRU topic/equipment utilized.

Annually, authorized operators will receive training on the 1st, 4th, and 14th Amendments. This training should focus on the importance of protecting civil rights of those in the community as well as constitutional standards for the protection of civil rights and civil liberties. This training is also required to contain elements regarding Community Policing as well as Community Input and Impact Considerations. Training records related to the SRU Rescue Vehicle will be retained at a minimum by the SRU Logistics Commander for three years.

After-Action Reporting and Evaluation
Whenever the SRU Rescue Vehicle is deployed operationally or for community based events an after-action report will be completed. This report will evaluate and document the effectiveness of the SRU Rescue Vehicle within the environment it was used. These reports will be used to evaluate the effectiveness and value of the SRU Rescue Vehicle on an ongoing basis. To the extent possible, these reports will be made available to engage with the community to review significant events. After-Action reports will contain the following:
- Description of the incident/event in which the SRU Rescue Vehicle was deployed
- Personnel operating the SRU Rescue Vehicle
- Result of the deployment (i.e., arrests, use of force, victim extraction, injuries).
After-Action reports will be retained for a minimum of three years and maintained by the SRU Logistics Commander

1.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT
The Commander of the SRU shall be selected by the SRU Board of Chiefs upon recommendation of staff.

1.6.1 PRIMARY UNIT MANAGER
Under the direction of the SRU Board of Chiefs, the Special Response Unit shall be managed by a lieutenant.
1.6.2 TEAM SUPERVISORS
The Negotiation Team and Special Weapons and Tactics Team will be supervised by commanders/lieutenants. The team commanders shall be selected by the Board of Chiefs upon specific recommendation by staff and the SRU Commander. The following represent the commander responsibilities for the Special Response Unit.

(a) The Negotiation Team Commander’s primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SRU Commander.

(b) The Special Weapons and Tactics Team Commander’s primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the SRU Commander.

1.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES
The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies. The following procedures serve as directives for the administrative operation of the CNT.

1.7.1 SELECTION OF PERSONNEL
As openings occur and with the particular agency Chief’s approval, interested sworn personnel, who are off probation, shall submit a memo of interest request to their appropriate Division Commander. A copy will be forwarded to the SRU Commander and the Crisis Negotiation Team Commander. Qualified applicants will then be invited to an oral interview. The oral board will consist of a panel chosen by the SRU Commander and the Crisis Negotiation Team Commander. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations. The oral board shall submit a list of successful applicants to staff for final selection.

1.7.2 TRAINING OF NEGOTIATORS
Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team commander.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.
Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team commander. Performance and efficiency levels, established by the team commander, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

1.8 SWAT TEAM ADMINISTRATIVE PROCEDURES
The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others. The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

1.8.1 SELECTION OF PERSONNEL
As openings occur and with the particular agency Chief’s approval, interested sworn personnel, who are off probation, shall submit a memo of interest request to their appropriate Division Commander. A copy will be forwarded to the SRU Commander and SWAT Tactical Commanders. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SRU Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun and rifle, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SRU Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance;
2. Demonstrated good judgment and understanding of critical role of SWAT member;
3. Special skills, training, or appropriate education as it pertains to this assignment; and,
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the SRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic rifle/handgun: Candidates will be invited to shoot the SWAT Basic Drill for the rifle and handgun. A minimum qualifying score must be attained.

(d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to staff, by the SRU Commander, for final selection.
1.8.2 TEAM EVALUATION
Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SRU Commander. The performance and efficiency level, as established by the team commanders, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

1.9 OPERATION GUIDELINES FOR THE SPECIAL RESPONSE UNIT
The following procedures serve as guidelines for the operational deployment of the Special Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SRU Commander.

1.9.1 ON-SCENE DETERMINATION
The supervisor in charge on the scene of a particular event will assess whether the Special Response Unit is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the SRU Commander and request an SRU response.

1.9.2 APPROPRIATE SITUATIONS FOR USE OF SPECIAL RESPONSE UNIT
The following are examples of incidents which may result in the activation of the Special Response Unit:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

1.9.3 OUTSIDE AGENCY REQUESTS
Deployment of the Special Response Unit in response to requests by other agencies outside of the participating law enforcement agencies must be authorized by the SRU Board of Chiefs, with input from the SRU Commander. If an exigent situation exists, the SRU Commander may make the determination to activate the team, notifying the Board of Chiefs as soon as practical.

1.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS
The SRU, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the SRU shall operate under the policies, procedures and command of the SRU when working in a multi-agency situation.
1.9.5 MOBILIZATION OF SPECIAL RESPONSE UNIT

The On-Scene supervisor at an incident shall make a request to the SRU Commander for the Special Response Unit. If unavailable, an SRU Tactical Commander shall be notified. A current mobilization list shall be maintained with County Dispatch by the SRU Commander. The SRU Commander will then notify the SRU Board of Chiefs of the call-out as soon as practical.

The Watch Commander should advise the SRU Commander with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location of the command post and a safe approach to it.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SRU Commander or supervisor shall then call selected officers to respond.

1.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Response Unit, field personnel should, if safe, practical and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.

2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the SRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the SRU Commander on the situation.

(g) Plan for, and stage, anticipated resources.
1.9.7 ON-SCENE COMMAND RESPONSIBILITIES
Upon arrival of the SRU at the scene, the Incident Commander shall brief the SRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SRU Commander, whether to deploy the SRU. Once the Incident Commander authorizes deployment, the SRU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SRU. The Incident Commander and the SRU Commander (or his or her designee) shall maintain communications at all times.

1.9.8 COMMUNICATION WITH SPECIAL RESPONSE UNIT PERSONNEL
All of those persons who are non-Special Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Special response Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Commander or his or her designee.
8102 Calcard Purchasing Procedures Prior Dir 0603.pdf
MONTEREY POLICE DEPARTMENT

I. PURPOSE

In order to streamline the process of paying for out-of-town travel and other City-business related expenses, the City of Monterey has issued a credit card (CalCard) to every member of the Police Department, except trainees attending the basic police academy. This directive outlines Department policies and procedures for the use of City of Monterey issued CalCards.

II. PROCEDURE

A. GENERAL PROVISIONS

- CalCards are imprinted with the assigned employee’s name. The City of Monterey is the account holder for all CalCards. The fact that the card has the employee’s name on it does not impact the employee’s personal credit, nor does it create any financial obligation for the employee.

- Only the employee whose name appears on the card may use it to make authorized purchases on behalf of the City of Monterey.

- Except for those issued to the employees identified below, CalCards shall be retained by the Executive Assistant (EA) who will provide them to the concerned employee prior to the date of departure for training or other City business related travel.

The following personnel are authorized to retain their assigned CalCard:

- Supervisors and Managers.

- Detectives.

- The Training Administrative Assistant (AA), to charge training registration fees and to guarantee hotel reservations for employees travelling on City business.
• The Senior Police Services Technician assigned to Evidence to charge Evidence supplies.

• The Animal Control Officer to charge animal control supplies.

• Traffic Officers.

• CalCards normally retained by the EA shall be returned to the Administrative Office, along with a receipt for each purchase made, no later than the first work day after returning from travel.

• Receipts for other purchases made with a CalCard shall be submitted to the Administrative Office on the same day or \textit{no later than} the first work day following completion of the purchase.

B. AUTHORIZED CHARGES

Employees may use their CalCard to charge the following City-related expenses:

• Hotel expenses, except meals.

• Business related meals approved in advance by the Chief of Police. (Example: An official banquet related to a conference or seminar.)

• Fuel for City vehicles and City paid rental vehicles \textit{only}.

Note: To the maximum extent possible, the Department will provide a City vehicle for business travel. See Section E below regarding when an employee is authorized to travel using a personally owned vehicle.

• Other authorized travel related expenses (i.e., parking, tolls).

• When authorized, merchandise and services.

C. CHARGES NOT AUTHORIZED

Employees \textbf{shall not} use their City-issued CalCard to charge the following:

• Meals or food of any kind while travelling on City business. Employees will be reimbursed upon their return to work for the full current per diem rate authorized for the city to which they traveled.
• Fuel for personal vehicles.
• Room service charges (i.e., pay per view movies, etc.)
• Personal items.
• Alcoholic beverages.
• Cash advances.
• Telephone/Internet services, unless pre-approved as necessary.
• Other prohibited uses, as listed in #11 of the attached Agreement between Commercial Cardholder and U.S. Bank.

When there is a need to obtain any of the items or services listed above while travelling, the employee shall make arrangements to ensure that payment is made by other personal means.

When there is a question as to whether charges are authorized on a City-issued CalCard, the employee shall contact the EA or the concerned Deputy Chief.

D. INDIVIDUAL PURCHASE AND MONTHLY SPENDING LIMITS

Supervisors may use assigned CalCards to make authorized merchandise and service purchases up to $500 per incident. Purchases above $500 require pre-approval by the concerned employee’s Deputy Chief. Purchases above $2,500 require pre-approval by the Chief of Police.

The standard spending (credit) limit for each CalCard is $2,500 per month and $2,500 per purchase. The Training Sergeant’s spending limit has been placed at $20,000 per month to accommodate training, travel, and academy lodging expenses.

Exceptions to the above limits may be made on a case-by-case basis with the prior approval of the Chief of Police (e.g., extended training/travel).

E. TRAVEL EXPENSES ASSOCIATED WITH VEHICLES
A City vehicle will be provided for City related travel whenever possible. If a City vehicle is not available and a personal vehicle must be used, fuel for an employee’s personal vehicle shall be paid by the employee’s personal funds and reimbursed on a mileage basis via an expense report submitted to the EA after completion of travel.

F. ARRANGEMENTS FOR TRAINING AND TRAVEL

Training Sergeant Responsibilities

The Training Sergeant shall be responsible for processing requests for training. Individual employees may initiate such requests through their chain of command.

Approved requests shall be forwarded to the Training Sergeant, who will verify the availability of training and forward the required information to the Training AA for processing.

Training Administrative Assistant (AA) Responsibilities

The Training AA will coordinate the employee’s registration, lodging, and any related travel arrangements.

- Hotel reservations will be guaranteed to the Training AA’s CalCard.
- Requests for payment of course registration/tuition will be forwarded to the EA for pre-payment.

The Training AA will prepare a “Training Announcement” outlining all of the details regarding training and travel arrangements, including per diem allowance, and will forward copies as follows:

- Executive Assistant
- Employee
- Employee’s supervisor(s)
- Training Sergeant
- Witness Coordinator
- Watch Commander’s binder
- Training Bulletin
- Training file
The Training AA will initiate a Travel Expense Form for Reimbursement, which will be forwarded to the employee along with their Training Announcement.

**Executive Assistant Responsibilities**

The EA is responsible for retaining CalCards for all Police employees except for those assigned to management, supervisory personnel and the specifically designated personnel mentioned in Section A above.

The EA will issue CalCards to employees the Friday prior to the week in which they are scheduled to begin a period of out-of-town travel that requires overnight accommodations.

The EA will collect receipts for all charges and maintain them on file in the Administrative Office.

The EA will run a preliminary monthly Transaction Detail Summary report following the end of each statement period.

The EA will utilize the U.S. Bank online process to reallocate charges to appropriate account numbers and to enter a brief description for each transaction. Transaction descriptions will be based on information which employees are responsible to provide on each receipt.

- Employees will be notified if their signed and annotated receipts are not turned in.
- The Transaction Detail Summary will be forwarded to the Police Services Manager for review and approval prior to submitting to the Chief of Police for final approval.
- Approved monthly reports, including receipts, will be forwarded to Accounting for final processing.

**Employee Responsibilities**

- **Safeguarding** – Employees shall be responsible for safeguarding their CalCard while in their possession. Unless authorized to retain them, employees shall return their CalCard and all related receipts to the EA on their first working day following completion of travel.
• **Hotel Accommodations** – Employees shall charge their hotel accommodations on their assigned CalCard, even if the reservation was guaranteed to another City CalCard.

  - Employees are responsible for canceling hotel accommodations as soon as possible when circumstances prevent them from travelling on City business. The concerned employee shall advise the Training Sergeant immediately thereafter.

• **Travel Expense Report** – In order to obtain reimbursement for per diem, mileage and allowable expenses, employees shall sign and submit their Travel Expense Report to the EA upon completion of travel. Travel Expense Report forms are provided by the Training AA. A copy of the employee’s hotel statement shall be attached to the report along with receipts for other approved reimbursable cash expenses.

  *EXCEPTION:* Police Officer Trainees are not required to submit Travel Expense Reports, as they receive travel advances while attending the police academy.

• **CalCard Receipts** – Each employee is responsible to:

  - Review all charges.
  - Write a brief description of charges legibly on each receipt.
  - Sign each receipt.
  - Submit receipts to the EA for filing as soon as possible.

  The EA shall use receipt descriptions to assign an appropriate account number when reallocating monthly charges online.

• **Lost Receipts** – The employee is responsible to turn in all receipts for purchases made with their CalCard.

  - If a receipt is lost, the employee is responsible for completing a “Lost Receipt Affidavit.” This form is located on the City’s intraweb at [http://fp.monterey/finance/services/calcard.html](http://fp.monterey/finance/services/calcard.html) by selecting the link at the bottom of the page labeled “Lost Receipt Affidavit.” This form is also located in Word at N:\FINANCE\CalCard Program\Lost Receipt Affidavit.doc.

  - A Lost Receipt Affidavit shall be submitted in place of each missing receipt. (See EA for Purchase ID# assigned to each specific transaction.)
• **Lost or Stolen CalCards** – The employee is responsible to contact the following if their CalCard is lost or stolen:
  
  • Customer Service at 1-800-344-5696
  • The Executive Assistant

  When a CalCard is reported lost or missing, it will be cancelled and the EA will arrange for a new card to be issued to the employee.

TIM SHELBY
Chief of Police

Attachment: Agreement Between Commercial Cardholder & U.S. Bank (6/09/05)

ORIGINAL: October 2006
REVISED: January 2007
REVISED: March 2008
REVISED: November 2010

DECLARATION

This Memorandum of Understanding (MOU) is entered into on March 23, 2018 between the Monterey County Office of the Sheriff; the Monterey County Office of the District Attorney; the Monterey County Administrative Office, and the City of Monterey to clarify law enforcement responsibilities at the Monterey County Courthouse Complex.

RECITALS

WHEREAS the Monterey Police Department has jurisdiction over all properties within the municipal boundaries of the City of Monterey and the Sheriff and the District Attorney have concurrent jurisdiction throughout the County; and

WHEREAS the County of Monterey owns, operates, and controls several facilities within the municipal boundaries of the City of Monterey; and

WHEREAS the parties to this MOU desire to establish communication and mutual assistance guidelines among the agencies participating in this MOU to enable an efficient law enforcement response to the Monterey County Courthouse Complex and ensure the safety of the public and the protection of County property.

NOW, THEREFORE, in consideration of the terms provided below, the parties agree to provide a protocol for initial Sheriff, Monterey Police, and District Attorney response and follow up investigative responsibility for calls for service that originate from facility staff or other sources at the County operated facilities as well as establish primary jurisdiction for the listed County buildings, as follows:

I. Definitions

*Monterey County Courthouse Complex*: The property known generally as 1200 Aguajito Road, City of Monterey, Assessor’s Parcel No. 001781013000, including but not limited to all buildings, parking lots, driveways, sidewalks, and pathways, as shown in the attached Exhibit “A”.
Emergencies and Critical Incidents: Immediate threat to the safety of individuals, major felonies, hostage-taking, bomb threats, active shooters, and felonious assaults on persons or property.

II. General

The following guidelines are established to provide a mutual understanding pertaining to incidents occurring in the Monterey County Courthouse Complex. In the event a situation is disputed, it shall be handled by the agency first responding to the incident. Nothing shall preclude the on-duty supervisors of the respective agencies from resolving jurisdictional issues, but if not resolved, the matters shall be brought to the attention of the appropriate administrative level of the affected agencies to resolve the issue.

III. Initial Response and Investigation

Sheriff: The Sheriff will have initial response, preliminary investigation, and follow up investigative responsibilities for crimes or calls for service that occur or emanate from the Monterey County Courthouse Complex. The Sheriff may request assistance from the District Attorney’s Bureau of Investigation and/or the Monterey Police Department as necessary.

Police: The Monterey Police Department will provide initial response, preliminary investigation, and follow up investigative responsibilities for crimes reported to staff of the Monterey County Courthouse Complex when the reported crime did not occur at the Monterey County Courthouse Complex, but did occur in the City of Monterey’s jurisdiction.

District Attorney: The District Attorney Bureau of Investigation will support Sheriff’s initial response and preliminary investigation, and assume responsibility for investigative responsibilities for crimes or calls for service that occur within the walls of the buildings in the Monterey County Courthouse Complex as requested by the Monterey County Sheriff’s Office. In addition, if a crime is reported to a facility staff of the Monterey County Courthouse Complex, and the crime occurred in the City of Monterey’s jurisdiction, the District Attorney Investigators will secure and preserve the scene until a Monterey Police Department officer can be dispatched to conduct the preliminary investigation.

IV. Duress Alarms and Emergency Incidents

Duress alarms located inside the Courthouse alert into the Court’s contract security dispatch center, which immediately contacts County Communications, who will alert and dispatch the Court Security Unit over its radio frequency. Court duress alarms also sound at each Court Security deputy’s desk. The Sheriff may request assistance from the District Attorney’s Bureau of Investigation and/or the Monterey Police Department as necessary.
In incidents falling within the definition of Emergency and Critical Incidents, the District Attorney Bureau of Investigation, the Monterey Police Department and the Sheriff’s office will attempt to stabilize the incident. The incident shall be turned over to the Sheriff’s Office when appropriate.

V. Officer Involved Incident

In the event of an officer-involved-incident at Monterey County Courthouse Complex, the three agencies agree to follow the terms of the Monterey County Law Chief’s “Officer Involved Incident Protocol.”

VI. Local Assistance

All parties agree to work together in a Unified Command structure in the event of critical incidents or other events that require a large number of law enforcement personnel as determined by the Chief Executive or their designee.

VII. Notification Protocol

Communication and notification of incident information to appropriate agency personnel is critical to providing for the safety of the public and protection of property. It is the responsibility of County Communications to make appropriate dispatches to law enforcement and fire agencies.

County Communications shall notify the on-call Monterey County Courthouse Complex Facility personnel.

Monterey County Sheriff’s Office shall be responsible for the appropriate notification of the personnel located within the Monterey County Courthouse Complex, Superior Court, Sheriff’s Office staff, and the District Attorney’s Office. The County Administrative Officer shall be notified of all emergencies and critical incidents. In addition, Monterey County Public Works shall be notified of damage to County property and grounds. Incident information shall be disseminated using the agencies’ chain of command.

VIII. Debriefing

1. After each emergency incident or disaster, as soon as reasonably possible, the agencies affected by this MOU should make a conscientious effort to debrief the incident in an effort to: learn of successes, determine if there are issues that need to be addressed, and any other topics that may arise.
For Office of the Sheriff, County of Monterey
Steve Bernal, Sheriff

For District Attorney’s Office, County of Monterey
Dean D. Flippo, District Attorney

For County Counsel’s Office, County of Monterey
Charles McKee, Deputy County Counsel
Approved as to Form & Legality

For City of Monterey
Hans Uslar, Interim City Manager

For Administrative Offices, County of Monterey
Lew Bauman, Chief Administrative Officer

3/21/2018
Date

3/19/18
Date

3-22-18
Date

March 14, 2018
Date

3-22-18
Date
SART Protocol 2020-compressed.pdf
For questions please contact
Sheree Goldman, Sexual Assault Response Team Coordinator
(831) 648-7731 or
Goldmans@co.monterey.ca.us
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SEXUAL ASSAULT RESPONSE TEAM PROTOCOL

I. DEFINITION
The Sexual Assault Response Team (SART) of Monterey County consists of interdisciplinary responders to reports of sexual assault. These responders include law enforcement officers, sexual assault forensic examiners, certified sexual assault counselors, certified forensic child interviewers, deputy district attorneys and crime lab personnel, and victim assistance advocates, Children and Family Services, and Children’s Behavioral Health.

II. STATEMENT OF PURPOSE

It is the desire of the SART of Monterey County to provide a prompt, organized, and effective multi-disciplinary team response to reports of acute adult, adolescent, and pediatric sexual assault. By implementing a protocol, the SART can gather evidence, contribute to investigative efforts by law enforcement, and at the same time, remain sensitive to the needs of sexual assault victims. A coordinated effort between all disciplines will assist the criminal justice system in the collection of evidence, interpretation of findings, and presentation of expert opinion.

The protocol is designed to ensure that sexual assault survivors and suspects receive an immediate and comprehensive medical-legal examination and receive medical testing and medication as recommended by the state of California.

III. LAW ENFORCEMENT RESPONSE

A. INVESTIGATIVE PROCEDURES

1. INITIAL ASSESSMENT of the reporting party should be limited to a brief interview by the responding officer to determine the following:
   a. A crime has occurred
   b. Jurisdiction
   c. Statute of limitations
   d. Additional exigent victim and suspect information that must be obtained immediately pertaining to safety issues, suspect flight risk or risk to the community, or for enough probable cause for an immediate arrest.
   e. The victim will be notified by law enforcement of his or her legal right to have his or her name kept confidential per PC 6254 and PC 293.
   f. The initial assessment will also determine the need for an immediate medical examination of the victim(s). The investigating agency should not dismiss the need for a medical exam without consulting with the on-call Sexual Assault Forensic Examiner (SAFE) who can be contacted through the SART answering service (831) 648-7731.
B. FORENSIC INTERVIEWS

1. All victims under the age of 18 will be referred to the Child Advocacy Center for an interview by a Child Forensic Interview Trained interviewer (CFIT). It is preferable that the interview precedes the medical examination, but if that is not possible, the exam will be done first, and an interview will be scheduled in a timely manner.
2. CFIT interviewers may be requested to interview adults who have developmental or other disabilities that necessitate such an interview.
3. The victim will have a sexual assault counselor present for the interview at the victim’s discretion per PC 264.2.

C. ASSISTANCE

1. Assistance with decision-making and other questions is available 24/7 from the on-call Deputy District Attorney, the SART Examiner, and the Monterey County Rape Crisis Center.

D. SART ACTIVATION

1. The multidisciplinary team activation will be initiated by the law enforcement agency that is requesting an exam.
2. The law enforcement agency will contact the SART answering service and request to speak with the on-call examiner.
3. The officer will provide limited information only to the answering service, to include the officer’s name, call back number, agency name, and the age, sex, condition, and language spoken of either the victim or suspect. The name of the victim or suspect will not be communicated to the answering service, nor will details of the case.
4. The answering service will contact the examiner, who will speak with the officer who is requesting SART activation prior to initializing the transport of a victim or response of a certified sexual assault counselor to the hospital.
5. The examiner will make every effort to respond to the requested hospital (CHOMP or Natividad) in a timely manner and will coordinate with the agency to set up an agreed upon time.
6. The examiner will then contact the answering service to request that a certified sexual assault counselor be dispatched to meet at the designated time and place. (This procedure satisfies the legal requirement that the local rape victim counseling center be notified whenever a victim is transported to the hospital for a forensic exam per PC 264.2).

E. TELE-SART ALTERNATIVE
During the COVID-19 pandemic some patients may be offered a Tele-SART exam. The specifics for this alternative may be found on page in the appendices.

F. NON-INVESTIGATIVE REPORTS (NIR)

1. If the victim is age 18 or over and requesting a non-investigative report (NIR), the SAFE will contact the jurisdiction where the assault is reported to have occurred and
the law enforcement agency will provide obtain a case number. The victim’s identity will not be disclosed, and the Cal-OES instructions will be followed to examine the victim and document the findings on the Cal-OES 2-924 report. A law enforcement officer will respond to the hospital after the exam to collect and store the evidence kit for the minimum number of years as established by law (24 months) or as established pursuant to the policy of the investigating agency which may for the duration of the statute of limitations. PC 1417.9, PC 799

2. If the victim decides to open the case to investigation, the law enforcement agency shall obtain a written release from the victim for the report and submit it to the SART Custodian of Records who will then provide a copy of the Cal OES 2-924 report to the agency.

G. TRANSLATION

1. The law enforcement agency will provide a legal interpreter when possible. If no interpreter is available through law enforcement, a certified interpreter from the hospital, the ATIT Language Line, or a comparable service that is provided by the institution will be utilized.

H. HOSPITAL PROCEDURE

1. The sexual assault counselor will be afforded an opportunity to speak with the victim privately prior to the exam if possible.
2. When all team members have assembled, the examiner will obtain a history of the event from the victim. The law enforcement officer and sexual assault counselor will be in attendance for this portion of the exam, and then the law enforcement officer may be excused after the history has been completed.
3. The victim may have one support person of their choice in attendance per PC 264.2 during the exam, apart from the interview. (Per PC 264.2(b)(4), a support person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination.)
4. The law enforcement agency will promptly dispatch an officer to retrieve the evidence and report from the examiner after the exam is completed.
5. If the examination is for a suspect, the officer will remain in attendance throughout the examination.

I. CHAIN OF CUSTODY

1. An appropriate chain of custody will be maintained when evidence and the report of the forensic exam are passed from the examiner to the law enforcement agency.
J. VICTIM TRANSPORT

1. Transportation may be requested of law enforcement to transport victims to and/or from exams.

K. PAYMENT

1. Payment for the exam will be in accordance with the memorandum of understanding between the agency and the Monterey County Health Department. No victim will be billed either directly or indirectly for the exam per PC 13823.95.

IV. ADVOCACY and CERTIFIED SEXUAL ASSAULT COUNSELORS

A. Monterey County Rape Crisis Center (MCRCC) will be contacted to provide certified sexual assault counselors during all medical-legal examinations for victims of all ages in accordance with PC 264.2.

B. The sexual assault counselor will provide clothing, toiletries, and additional information/referrals to the victim.

C. All victims will receive written and verbal Crime Victim’s Compensation information at the time of the exam.

D. All victims will receive a referral to counseling with resources from the Monterey County Rape Crisis Center (MCRCC).

V. FAMILY AND CHILDREN’S SERVICES

A. The SAFE and/or Law Enforcement will contact Child Protective Services (CPS) whenever the assault occurred in the child’s home or if there is a concern that the child may be a victim of Commercial Sexual Exploitation (CSEC). Any phone call made to CPS must be followed by faxing a completed Suspected Child Abuse Report (SCAR) to the agency within 36 hours. See appendix for link to the report form.

B. In addition, CPS must be contacted in the following situations:

- Cases involving intra-familial situations.

- Cases where the minor appears to be at continued risk of molest due to the caretakers’ inability to protect or unwillingness to believe the minor’s disclosure.

- Cases where the relationship between the minor and the suspect is unclear and/or the suspect has continued access.

- Cases where the assault occurred out of the home and the Law Enforcement officer or SAFE feel that an evaluation needed.
VI. BEHAVIORAL HEALTH SERVICES

A. Children under the age of 18

1. At Natividad Medical Center, Monterey County Children’s Behavioral Health shall provide an on-call psychiatric social worker (PSW) to respond to the Bates-Eldredge clinic during or after the examination of a minor who expresses suicidality or other concerning behavioral issues and is determined by the SAFE to need a behavioral health assessment prior to discharge from the hospital. This PSW can be contacted after hours or during weekends by calling (831)755-5810.

   a. The PSW shall assess the safety of the child. If the PSW determines the child is stable, a safety plan will be completed and discussed with the child and their caretaker prior to them leaving the hospital. The child and/or the caretaker will also be offered mental health follow-up which they can opt into by completing a release of information. Should the family consent, the PSW will follow up with the family within 72 hours regarding the child’s need for ongoing mental health services.

   b. Should the child be determined to be a danger to self or others the PSW will coordinate with the Crisis Team at Natividad Medical Center and coordinate the child and caretaker being escorted to the emergency department for evaluation for potential mental health hold. The child and/or the caretaker will also be offered mental health follow-up which they can opt into by completing a release of information. Should the family consent, the PSW will follow up with the family within 72 hours regarding the child’s need for ongoing mental health services.

   c. Any child, examined at NMC or CHOMP, can be offered follow-up mental health services regardless of safety issues. The SAFE would fill out release with family and email copy to cares@co.monterey.ca.us and a PSW will follow up with the family within 72 hours of receiving the release of information. A release can be signed by a child 12 years or older or by a parent or guardian for any child age 0-18 years.

2. At CHOMP, the child may be assessed by the emergency department physician and the physician may request and assessment by the crisis team.

   a. Adults

      i. Patients at Natividad Medical Center will be transferred to the emergency department and the emergency department may request an assessment by the crisis team to determine the mental health needs of the patient.

      ii. Patients at CHOMP may be assessed by the emergency department physician and the physician may request and assessment by the crisis team to determine the mental health needs of the patient.
b. Decision-making capacity
   i. If there is a concern that the patient’s mental status is altered, the emergency department physician will be consulted by the sexual assault forensic examiner to evaluate if the patient has the capacity to consent to an evidentiary exam, which is an elective procedure.

VII. MEDICAL SERVICES

A. ACUTE EXAMINATIONS
An acute case is defined as involving a report of penetration of a person’s mouth within 24 hours, vagina within 120 hours, or anus within 120 hours, or if there is injury, bleeding, or pain attributed to the assault.

Forensic examinations which meet the criteria for an acute exam may be conducted to evaluate and treat all victims who upon request. No law enforcement authorization is required to conduct the NIR exam. Evidence of sexual assault is collected in a sensitive manner during the examination.

1. Minors, age 12 to 17, may consent to medical examination, treatment, and evidence collection for sexual assault without parental consent. (Family Code Section 6927). Minors, age 12 to 17, may also decline an exam without parental consent. An attempt must be made by the SAFE to notify the parents. Suspect exams are performed at the request of law enforcement.
2. Forensic examinations are conducted in specialized exam rooms or the emergency department at participating hospitals. Suspect exams may be conducted at the County Jail.
3. Acute examinations for sexual assault of victims of all ages may be requested by law enforcement within 5 days (120 hours) of the assault. This time frame is not absolute, and the law enforcement agency and the SAFE are encouraged to discuss the details of the assault to assist with decision-making.

B. MEDICAL OVERSIGHT

1. Sexual Assault Forensic Examinations must be conducted by qualified examiners. (PC section 13823.5(e).
2. The Medical Director of the SART program provides supervision.
3. Standardized procedures cover administration of prescription drugs by sexual assault forensic examiners to patients to:
   a. Provide prophylaxis for sexually transmitted infections.
   b. Provide emergency contraception to female patients.
   c. Patients under the age of 12 may also be examined, and prescription medication is limited to emergency contraception when indicated.
C. EXAMINER LICENSURE/CERTIFICATION/QUALIFICATIONS
1. Education, Training and Experience
   a. Employment as a registered nurse, nurse practitioner, or physician’s assistant for at least one (1) year.
   b. Employed by oversight administrative agency (MCHD).
   c. Successful completion of didactic and clinical education requirements required by the hospital.
   d. Credentialed in good status by the hospital within the required time frame.
2. Licensure
   a. Current licensure as a registered nurse or physician’s assistant in the State of California.
      For Registered Nurses: Thirty (30) hours of continuing education (CEU) as mandated by the State of California to maintain licensure (all 30 hours are due at time of license renewal every two (2) years).
   b. For Physicians’ Assistants: Continuing Education (CME) as required by the institution (MCHD)
3. Ongoing Evaluation
   a. Chart review by coordinator and Medical Director
   b. PA charts to be co-signed by Medical Director
   c. Regular attendance at monthly Coalition Meeting/CASE reviews
   d. Photo reviews
   e. DOJ Crime lab QA of evidence kits
   f. Proof of training shall be kept on file at the oversight agency.

D. EXAMINATION OF ADULT/adolesCENT VICTIMS OF SEXUAL ASSAULT

E. DEFINITIONS
1. The US DOJ defines sexual assault as any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

Penal Code Section 11165.1 provides: As used in this article, "sexual abuse" means sexual assault or sexual exploitation as defined by the following:

(a) "Sexual assault" means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 (lewd or lascivious acts upon a child), 288a (oral copulation), 289 (sexual penetration), or 647.6 (child molestation).

(b) Conduct described as "sexual assault" includes, but is not limited to, all of the following:

(1) Penetration, however slight, of the vagina or anal opening of one
person by the penis of another person, whether or not there is the emission of semen.

(2) Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.

(3) Intrusion by one person into the genitals or anal opening of another person, including the use of an object for this purpose, except that, it does not include acts performed for a valid medical purpose.

(4) The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.

(5) The intentional masturbation of the perpetrator's genitals in the presence of a child.

(c) "Sexual exploitation" refers to any of the following:

(1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).

(2) A person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or a person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

(3) A person who depicts a child in, or who knowingly develops, duplicates, prints, downloads, streams, accesses through any electronic or digital media, or exchanges, a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement
and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3.

Evidence Code Section 1108 provides: As used in this section, the following definitions shall apply:

(1) "Sexual offense" means a crime under the law of a state or of the United States that involved any of the following:

(A) Any conduct proscribed by Section 243.4, 261, 261.5, 262, 264.1, 266c, 269, 286, 288, 288a, 288.2, 288.5, or 289, or subdivision (b), (c), or (d) of Section 311.2 or Section 311.3, 311.4, 311.10, 311.11, 314, or 647.6, of the Penal Code.

(B) Any conduct proscribed by Section 220 of the Penal Code, except assault with intent to commit mayhem.

(C) Contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person.

(D) Contact, without consent, between the genitals or anus of the defendant and any part of another person's body.

(E) Deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person.

(F) An attempt or conspiracy to engage in conduct described in this paragraph.

F. DATA BASE to be collected by the examiner

G. SUBJECTIVE
1. Informed written consent received from the patient
2. Patient history and symptoms relevant to sexual assault, including sexual, contraceptive, and reproductive history per the Cal-OES form.
3. Pertinent medical history relevant to general health, allergies, surgeries, illnesses, and current medications.

H. OBJECTIVE
1. Physical exam, including genital assessment is performed according to the protocol.
2. Forensic evidence is collected according to the California OES protocol.
   a. The forensic examiner determines the need for lab tests on a case by case basis according to protocol from the following:
      i. Urine or serum pregnancy test that meets the criteria set forth by the California State Protocol
      ii. Urinalysis if indicated
      iii. Baseline testing for Gonorrhea and Chlamydia
iv. Wet mount  
vi. Blood and/or urine test for alcohol/toxicology screening.  
vii. CBC and CMP for patients who are candidates for HIV non-Nonoccupational Postexposure Prophylaxis (nPEP).  
viii. The Coordinator shall file a Confidential Morbidity Report (CMR) with the Monterey County Health Department Communicable Disease Unit whenever a positive test results from a reportable infection.

I. ASSESSMENT  
1. Reported Sexual Assault indicating medical-legal examination. The appropriate ICD code will be used for the confidential registration of the patient, but “Sexual Assault”, per se, may not be medically diagnosed from a history and physical. Sexual Assault is a legal term.  
2. Medical Screening Exam (see appendix).  
3. Loss of Awareness Victim Exam Protocol  
   a. If the victim reports no memory of the assault, see appendix for recommended procedure.  
   b. The examiner may decline to perform an exam if the patient’s behavior is unusually hostile or violent.

J. PLAN  
1. TREATMENT FOR SEXUALLY TRANSMITTED INFECTION AND PREGNANCY Prophylaxis  
2. All patients should be strongly encouraged to accept routine preventative therapy after sexual assault.  
3. The Emergency Department physician will be notified if symptoms of allergy or distress develop.

K. PROPHYLACTIC MEDICATION FOR ADULT AND ADOLESCENTS  
For prophylaxis against sexually transmitted infections.

1. For Gonorrhea: Ceftriaxone 500 mg in Lidocaine 1%, IM x 1  
2. For Chlamydia: Prescription for doxycycline 100 mg, orally twice daily for 7 days (consult with physician in pregnancy).

   OR

3. For allergy risk consult with physician

   AND

4. For Trichomonas, Metronidazole 2 gm, PO x 1 (Contraindicated in Pregnancy).
5. For Emergency Contraception:
   a. **Next Choice**, 1 tab, PO x 1, or **ELLA**, 1 tab PO (Contraindicated in Pregnancy), or a generic equivalent.
   b. For HIV NON-OCCUPATIONAL POST EXPOSURE PROPHYLAXIS (nPEP): Testing is recommended but not required. If assailant is known to be HIV positive, the victim should be offered post-exposure prophylaxis. Prophylaxis must be initiated within 72 hours. The clinician may consult with an HIV specialist at UCSF by phone at the UCSF Clinician Consultation Center by calling (800) 933-3413, Monday through Friday from 9am until 8 pm ET.
      **Regimen:**
   c. **Truvada 200/300, 1 tab PO now, and Dolutegravir 50 mg, 1 tab now.**
      Prescription for 1 tab Truvada 200/300 once daily and dolutegravir 50 mg once daily x 30 days. (Consult with Physician in pregnancy)
      **If indicated:**
   d. **Hepatitis B vaccination:** Serologic testing is not required. If patient has not already been immunized, or is uncertain about immunization status, vaccination is recommended at the time of the initial examination. Follow-up doses are given 1-2 months and 4-6 months after the initial dose, for a total of 3 doses. (CONTRAINDICATED IN PREGNANCY)
   e. **Td or Tdap booster:** if patient was immunized, but has not had a booster in 10 years, and there is a break in the skin integrity, refer to ED for Td. If the patient is between the ages of 19 and 64, he or she should receive a one-time dose of Tdap in place of Td. (CONSULT PHYSICIAN IN PREGNANCY).

6. Medical management of pain and nausea:
   a. All patients should be evaluated for level of pain, using a 1 to 10 scale.
   b. Acetaminophen 1000 mg may be administered po as a prn medication at any time during the exam, after oral swabs have been taken. (CONSULT MD IN PREGNANCY).
      i. Pain should be re-evaluated one hour after administering medication.
      ii. If pain persists, consider ED referral for further evaluation.
      iii. Zofran 4 mg. sublingual may be administered for nausea. (CONTRAINDICATED IN PREGNANCY).

L. PHYSICIAN CONSULTATION
1. The Sexual Assault Forensic Examiner (SAFE) will consult with a physician and obtain medical clearance for the forensic exam when the following conditions are met:
   a. A concern that a patient has an altered mental status and the patient’s ability to consent for forensic examination (an elective medical procedure) may be impaired.
i. Exhibiting the ability to understand the information relevant to treatment options
ii. Expressing the ability to weigh the treatment options
iii. Demonstrating the ability to appreciate the significance of the information provided
iv. Expressing reasoning
v. Displaying the ability to communicate their choice.

It is recommended that the patient remain in the Emergency Department or hospital for observation, treatment, or detoxification as an altered mental status may be due to serious medical conditions including, but not limited to:

- Metabolic problems
- Trauma
- Infection
- Intoxication
- Psychosis

When the patient’s mental status is improved, the patient demonstrates medical decision-making capacity for an elective procedure, and has been medically cleared by a physician, the SAFE examiner can return to obtain the patient’s informed consent for a sexual assault forensic examination and conduct the examination.

Note: Whenever possible, the SAFE should document in detail observations and facts that support the determination that the patient is unable to consent to the procedure, as should the attending physician and law enforcement representative.

i. A patient who is known to be pregnant, MD screening is to occur PRIOR to medical-legal exam. (Pregnancy test may show false positive if patient is recently postpartum or post spontaneous or elective abortion.)

ii. Wound Management prophylaxis: If the patient has had primary tetanus toxoid immunization and has not had a booster dose in the past 10 years and has open wounds, refer to Emergency Department for tetanus toxoid, 0.5cc IM at time of exam. Tdap between the ages of 19 and 64 should be substituted for one dose of Td.

iii. Patient has not been immunized against Hepatitis B.

iv. History of non-fatal strangulation or attempted strangulation.

v. History of loss of consciousness or loss of memory associated with head trauma according to patient’s description of events or physical evidence.

vi. Evidence of possible substance use or abuse, as determined by history or signs and symptoms that requires medical screening due to altered mental status or symptoms of withdrawal

vii. Chest or abdominal pain

viii. Head injury or lack of orientation

ix. Injury of extremities resulting in limited range of motion

x. Signs of infection
xi. History of continual anal or genital bleeding since assault
xii. Any bruising or laceration requiring treatment
xiii. Any other conditions which suggest the need for medical consultation.

This list is only suggestive of consultation criteria. The examiner must use his or her professional judgment regarding additional consultation criteria. Physician consultation is independent of release from SART exam. The forensic examiner is ultimately responsible for providing sexual assault counseling and follow-up information.

M. PATIENT/SUPPORT EDUCATION
1. Patients will receive information on medication, treatment, and possible adverse reactions, both verbally and with printed material from the examiner.
2. Patient or minor patient’s caregiver will be given age appropriate information about sexual assault and referrals by the sexual assault counselor. The referrals will include information about the Victims of Crime Program.
3. If no advocate is present, the forensic examiner will provide this information.

N. PATIENT FOLLOW UP
4. Patients without acute trauma or illness will be advised to follow up on the schedule that is recommended by the CDC or as needed.
5. Patients with evidence of acute trauma or illness will be referred to a health care provider for follow-up as soon as possible.
6. If nPEP (Truvada and Dolutegravir) therapy was initiated, patient may need additional hematology as recommended by the CDC written and verbal information will be provided to patient for their health care provider. If the patient has no PMD, he or she will be referred to a Monterey County Health Department clinic.
7. If the emergency physician saw the patient, additional follow-up instructions may be given by the emergency dept.
8. Any patient may return for additional evidence collection, photography, etc. at the request of law enforcement or the District Attorney.
9. Follow-up recommendations will be provided to the patient and/or family both verbally and in writing.
10. Long term follow-up care can be performed by the patient’s primary medical provider as recommended by the CDC.

O. ACUTE PEDIATRIC EVIDENCE COLLECTION POLICY (Under 12 years of age)
1. Patient should see MD in Emergency Department if there are severe injuries, or if the child reports pain or bleeding. MD exam can be collaborative while forensic examiner collects evidence.
2. If law enforcement requests an exam to collect evidence and it is not possible for the child to be seen at the Bates-Eldredge Clinic within 5 days (120 hours) of the assault, consent is obtained from the parent, guardian, social worker, or law enforcement officer.
a. The examiner will explain to the officer and the child’s caretaker that this is an initial exam to collect potential biological evidence that might otherwise be lost. Examiner will explain that the child will also need to be scheduled for an
interview with Certified Child Forensic Interviewer and a follow-up exam with a Pediatric Sexual Abuse Expert.
b. The examiner will explain to the officer and the child’s caretaker that this is an initial exam to collect potential biological evidence that might otherwise be lost. Examiner will explain that the child will also need to be scheduled for an interview with Certified Child Forensic Interviewer and a follow-up exam with a Pediatric Sexual Abuse Expert.
c. Examiner will clarify that this examination alone cannot determine if the child has been a victim of sexual abuse.
d. A certified sexual assault counselor will be present to provide support, clothing, toiletries, and additional information and referrals to the victim.
e. CalOES form 2-930 and instructions are used.

THESE INSTRUCTIONS CONTAIN THE RECOMMENDED METHODS FOR MEETING THE MINIMUM LEGAL STANDARDS ESTABLISHED BY PENAL CODE SECTION 13823.11 FOR PERFORMING EVIDENTIARY EXAMINATIONS.
i. Clothing collection per protocol.
ii. The examiner will obtain the history from law enforcement officer, parent, or social worker. Neither the examiner nor the officer will interview the child in depth. If the child reveals any additional information during the exam, document this and report it to the investigator after the exam.
iii. Obtain swabs per history and for Woods lamp positive areas.
iv. Photograph injuries
v. Speculum is not inserted into a pre-pubertal female.
vi. Swabs are not inserted into the vagina of pre-pubertal females unless hymenal opening is large enough to do so without touching hymenal edges. Vulvo-vestibular swabs are collected instead.
vii. NAAT testing for GC/Chlamydia will be done on the urine of the child. Any female child who is Tanner Stage 3 or above, regardless of menarche will be tested for pregnancy.
viii. Cultures (oral, vaginal, penile, rectal) as indicated by history or if lesions or exudate are present will be obtained.
ix. If vaginal discharge is present, a wet mount should be collected and transported to the lab as soon as it has been prepared for evaluation for the presence of sperm, clue cells, trichomonas, and yeast.
x. NO male urethral cultures should be done for GC/Chlamydia; if the child is symptomatic, a NAAT can be done on voided urine or a meatal specimen of the discharge is an adequate substitute for an intraurethral swab.
xi. Anoscopy will not be done on a pre-pubertal child. If anoscopy is indicated consult with physician.
xii. Pertinent medical information, including vital signs and height and weight, will be recorded.
xiii. Children will not routinely be given medications apart from Plan B for females who are Tanner Stage 3 and above. Children who are at risk for
HIV exposure should be evaluated by the ED MD for non-occupational post-exposure prophylaxis (nPEP) therapy.

xiv. A blood test for HIV, Hepatitis B and C, Syphilis, and other tests if indicated will be done. Venipuncture should take place in an area other than the Child Advocacy Center if possible. HCG should be done for all Tanner 3 females regardless of menarche and is preferable to Urine testing. This procedure should be done AFTER the exam has been completed.

xv. The child may be discharged when cleared by the ED physician (if seen in ED) or the SART examiner (if seen in the Child Advocacy Center), law enforcement, and CPS (FCS). Consult with medical director or ED physician regarding need for hospital admission if acute genital trauma is present. Consult with CPS if home safety is in question.

xvi. The certified sexual assault counselor will provide the child’s caretaker with information about counseling, follow-up services, and the Victims of Crime program.

xvii. SART Examiner will provide the child’s caretaker with any medical follow-up information as indicated.

xviii. SART Examiner will explain to the caretaker that a follow-up interview and exam will be arranged by law enforcement.

xix. SART Examiner will communicate with the law enforcement officer that he or she should contact the Child Advocacy Center Coordinator at 769-8682 to arrange for a forensic interview and follow-up exam.

xx. SART Examiner will phone the Child Advocacy Center Coordinator and leave her a message: Include the name of the child, the date of the exam, and the name of the police department, the officer’s name, and the case number.

xxi. SART Examiner will copy the OES 930 form and leave it in a sealed envelope for the Child Advocacy Center Coordinator under her door, or FAX the form to her at 796-1600.

xxii. SART Coordinator will contact the managing DDA and send a copy of the forensic examination report as directed.

xxiii. SART Coordinator will burn a CD of all photos of the child and deliver to the Child Advocacy Center Coordinator.

xxiv. If CPS is not yet involved, SART Examiner will contact and fill out the appropriate referral if indicated. SART Examiner will leave a copy of CPS referral for the Child Advocacy Center Coordinator.

Criteria for reporting should include all cases that occurred in the home, with a family member or trusted adult, and all suspected cases of commercial sexual exploitation or trafficking.

P. NON-INVESTIGATIVE REPORT (NIR) EXAM: Cal OES 2-924 Procedure

1. Patient requests a forensic exam and declines interaction with law enforcement at the time of the request.

2. Forensic Examiner is contacted by hospital or advocacy agent.
3. Forensic Examiner speaks with patient and determines if a forensic exam is appropriate per timeline and nature of assault. If an exam is not appropriate, the patient will be referred to the Monterey County Rape Crisis Center or other agencies as needed.

4. The examiner will telephone the law enforcement agency from the jurisdiction where the assault occurred. The examiner will communicate the information that must be disclosed in accordance with Section 11163.2 of the Penal Code that is requested on the Cal OES 2-920 form. If the patient is unclear about the jurisdiction, the examiner will contact the agency for the jurisdiction that serves the hospital.

5. The forensic examiner will obtain a case number from the police agency.

6. The forensic examiner will contact a certified sexual assault counselor to respond to the hospital to provide support, information, referrals, and resources.

7. The patient will sign an informed consent per the 2-924 form and will complete the history portion of the form with the assistance of the examiner. An additional medical history form will be completed.

8. The exam will be conducted per local protocol, including lab testing, photography, and prophylaxis. Buccal swabs are collected for standard, per local policy. Toxicology samples are collected as indicated.

9. At the end of the exam, or at any time during the exam that is appropriate, the patient will be offered the opportunity to speak with law enforcement.

10. If the patient wishes to discuss their case with law enforcement, the case will be treated as a sexual assault forensic exam according to the local protocol, and all information and evidence will be given to the police to use for an investigation.

11. If the patient does not wish to include law enforcement in the process at the time of the exam, the sealed evidence kit and sealed report will be given to law enforcement to store for the minimum number of years as established by law (24 months) or as established pursuant to the policy of the investigating agency which may as long as the duration of the statute of limitations. PC 1417.9, PC 799

12. If the patient does not wish to include law enforcement in the process at the time of the exam, the sealed evidence kit and sealed report will be given to law enforcement to store for the minimum number of years as established by law (24 months) or as established pursuant to the policy of the investigating agency which may as long as the duration of the statute of limitations. PC 1417.9, PC 799
   a. Sealed Evidence Kit that is labeled with the date of the exam and the case number NOT the patient’s name.
   b. Sealed blood and urine samples, labeled with the date of the exam and the case number, NOT The patient’s name.
   c. Completed Cal OES 2-924 report that is sealed in the evidence kit.
   d. The examiner will also provide the law enforcement agency with the following UNSEALED documents:
   e. Completed Suspicious Injury Report (Cal-OES 2-920).
   f. The examiner will provide the PATIENT with the following:
g. NIR Exam Evidence Storage Information form
h. Health Care Provider Form
i. Follow-up form
j. Resource list

Q. SUSPECT EXAMINATION
   a. Suspect exams must be conducted in the Emergency Department or the County Jail.
   b. A law enforcement officer must always remain with the suspect.
   c. Contact between a suspect and a victim must be avoided.
   d. If a victim exam and suspect exam are both requested, the victim will generally be examined first.
   e. The examiner may decline to perform an exam if the patient’s behavior is unusually hostile or violent.
   f. The Cal OES 2-950 report form and protocol will be used.
   g. The law enforcement officer will sign the authorization form.
   h. Evidence may be collected without the suspect’s consent, and reference sample collection may be delayed until a search warrant is obtained if necessary. *

VIII. DOCUMENTATION AND RECORDS
   1. The forensic examiner will complete the appropriate OES Form 923/924/925/920/930/950. When indicated, the International Association of Forensic Nurses’ (IAFN) strangulation documentation report will be utilized. (See Appendix)
   2. Copies of the OES Forms will be distributed according to the State Protocol.
   3. The law enforcement agency will be given the original OES 2-923, 2-930, 2-925, 2-920 and 2-950 Report along with the evidence kit. This report should be copied before filing it with evidence, and the copy attached to the officer’s report the original OES 2-924 report form (NIR) is used when the victim has requested no police involvement and will be kept by the custodian of records who is employed by Monterey County as the Monterey SART Coordinator. A copy of the report will be sealed in the evidence kit and addition copies may be released to law enforcement upon request if accompanied by a signed release from the victim.

4. Medical-legal records shall include documentation of:
   a. Medical Screening Exam Form (appendix)
   b. Vital signs
   c. Medication allergies
   d. Medication given during exam or sent home with patient
   e. Lab tests sent to hospital lab
   f. Complete signature of the forensic examiner
   g. No examiner shall submit any written communication to investigators or attorneys. Any written communication must be submitted to the coordinator and/or medical director.
5. The following records shall be kept by the Custodian of Records who is employed by Monterey County as the Monterey SART Coordinator in a locked file. The forensic medical report, discharge instructions, and photos will not become a part of the patient’s hospital medical record.
   a. One true copy of the Cal-OES form 920, 923, 924, 925, 930, or 950
   b. Suspicious Child Abuse and Neglect Report (SCAR)
   c. Copy of discharge instructions given to the patient
   d. Results of hospital lab tests
   e. Copy of results from any lab test sent to a third-party lab.
   f. Any photo documentation of exam

6. A CONFIDENTIAL MORBIDITY REPORT (CMR) will be filed by the coordinator with the Monterey County Health Department Communicable Disease Unit whenever a positive test results from a reportable infection.

IX. EVIDENCE

1. The law enforcement agency responsible for the investigation shall adhere to that agency's policies and procedures for the collection and preservation of evidence.

2. Evidence collected by law enforcement during the investigation shall be retained by the law enforcement agency.

3. The evidence kit completed by the SAFE shall be relinquished to law enforcement at the conclusion of the medical examination and must be collected by the law enforcement officer prior to the SAFE leaving the facility. Acute evidence will include blood and urine specimens which require refrigeration and occasionally will include wet evidence which needs to be processed by an evidence technician.

4. Photographs taken by the SAFE shall be retained by the SART Coordinator. The original Cal-OES report will be given to the law enforcement officer who collects the evidence kit prior to the SAFE leaving the facility. Additional copies may be obtained from the SART Coordinator by the agency authorizing the examination.

A. RADS (PARTIAL DNA KIT ANALYSIS)

1. The examiner will choose 3 swabs that are thought to be the most likely to contain probative biological evidence, one reference swab, and mail them directly to the DNA lab for analysis.

2. A green sticker on the evidence kit will alert the agency that these swabs were sent, and the agency may await the report prior to deciding if they want the rest of the kit analyzed.

3. No RADS swabs will be sent to the DNA lab when conducting forensic exams of inmates from Correctional institutions, Suspects, or Victims who have requested a Non-investigative Report (NIR) and who have had other sexual contact within 120 hours preceding the exam.

4. The examiner will complete a form “Additional evidence to be considered” to alert investigators to clothing or swabs that were collected and were not included in the RADS submission but may contain biological evidence (See Appendix).
X. DISTRICT ATTORNEY RESPONSIBILITIES

A. The District Attorney's Office will have responsibility for filing and prosecuting criminal cases when the evidence gathered from the investigation is enough to support criminal prosecution. The District Attorney's Office will participate in the SART multi-disciplinary interview team process to evaluate cases.

B. The District Attorney's Office maintains a sexual assault unit, staffed by Deputy District Attorneys specifically trained and assigned to sexual assault, and one District Attorney Investigator trained as a sexual assault investigator, and an experienced victim advocate and unit secretary for clerical support.

C. To reduce trauma to the victim and to enhance prosecution, the District Attorney's Office Sexual Assault Unit will handle all felony criminal prosecutions of crimes involving sexual assault in a "vertical prosecution" format.

D. Culturally and linguistically sensitive services will routinely be made available to all victim(s) and non-offending family members.

XI. THE DISTRICT ATTORNEY VICTIM/WITNESS PROGRAM

A. The District Attorney's Office maintains victim/witness staff at their office in Salinas and provides victim/witness assistance by appointment in Salinas and King City. These advocates assist with mandated services throughout investigation and prosecution. Staff members may in some cases be able to assist the victim/witness with claims for assistance, assist with witness transportation once charges are filed, and either act as an advocate or assist a victim/witness in obtaining an advocate to assist the victim/witness throughout court proceedings.

XII. CASE REVIEW

A. Case Review is scheduled monthly by the SART Coordinator.
B. Meetings take place at the District Attorney's Office.
C. Cases are reviewed and all attendees are members of the SART Coalition that consists of members of each law enforcement jurisdiction, MCRCC and Victims of Crime representatives, CPS, hospital emergency department managers, forensic examiners, medical directors, prosecutors, and criminalists.

XIII. DEVELOPMENT AND APPROVAL OF THE STANDARDIZE PROCEDURES AND SART PROTOCOL:

A. SART Coordinator drafts procedures.

B. Procedures are reviewed and approved by the SART Steering Committee, The Director of Health, the Chief of Monterey County Chief Law Enforcement Officers Association (MCCLEOA), the District Attorney, the Executive Director of the
Monterey County Rape Crisis Center, the Interdisciplinary Staff Committee Chair of Natividad Medical Center, the Emergency Department Managers of CHOMP and Natividad, the Medical Director of SART, the Medical Director of the Bates-Eldredge Clinic, the program manager of the victims’ unit, and the SART Coordinator.

C. Scheduled review shall occur every 3 years, or as necessary.
RESOURCES

SART ANSWERING SERVICE

SART COORDINATOR

MONTEREY COUNTY RAPE CRISIS CENTER CRISIS LINE

MONTEREY COUNTY RAPE CRISIS CENTER OFFICES

CHILD ADVOCACY CENTER

DISTRICT ATTORNEY’S OFFICE

CHILD PROTECTIVE SERVICES

(831) 648-7731

(831) 646-2923, (831) 648-7731

(831) 375-4357, 424-4357

(831) 373-3955, 771-0411

(831) 769-8682

(831) 755-5070

(831) 755-4661
APPROVALS

1/14/2021 | 8:30 PM PST
Dated

1/14/2021 | 11:07 AM PST
Dated

1/22/2021 | 3:32 PM PST
Dated

2/3/2021 | 2:02 PM PST
Dated

1/24/2021 | 6:56 PM PST
Dated

1/13/2021 | 7:34 PM PST
Dated

2/3/2021 | 1:39 PM PST
Dated

1/14/2021 | 3:42 PM PST
Dated

1/14/2021 | 8:01 AM PST
Dated

Elsa Jimenez Director
Monterey County Health Department

Jeanine Pacioni
Monterey County District Attorney

Abdul Prigid,
MCLEOA Chief

Raul Lara, MD
Medical Director Bates-Eldredge Clinic

Lauren Da Silva, Executive Director
Monterey County Rape Crisis Center

Cristina Martinez, M.D.
SART Medical Director, Monterey County Health Department

Sheree Goldman, DNP
Sexual Assault Response Team Program Coordinator

Marc Tunzi, MD
Chair, Interdisciplinary Staff Committee, NMC

Susan Burnell, RN
Manager, Emergency Department, CHOMP

Chelsi Mettler, RN
Manager, Emergency Department, NMC

Pamela Patterson, Manager
Victim Unit, Monterey County District Attorney
APPROVALS

Elsa Jimenez Director
Monterey County Health Department

Jeannine M. Pacioni
Monterey County District Attorney

Adele Fresé
MCCLEOA Chief on behalf of Monterey County Chiefs

Raul Lara, MD
Medical Director Bates-Eldredge Clinic

Lauren Da Silva, Executive Director
Monterey County Rape Crisis Center

Cristina Martinez, M.D.
SART Medical Director, Monterey County Health Department

Sheree Goldman, DNP
Sexual Assault Response Team Program Coordinator

Craig Walls, CMO on behalf of Interdisciplinary Staff Committee, Natividad Hospital

Susan Burnell, RN
Manager, Emergency Department, CHOMP

Chelsi Mettler, RN
Manager, Emergency Department, NMC

Pamela Patterson, Manager
Victim Unit, Monterey County District Attorney

Dated

2/8/2021 | 9:55 AM PST
Dated

2/4/2021 | 10:18 AM PST
Dated

Dated

Dated

Dated

Dated

Dated

Dated

Dated

25
4060 Hazardous Material Prior 9001.pdf
\textbf{MONTEREY POLICE DEPARTMENT}

Effective: April 1, 2002
Affected Staff: All Personnel
Originator: Chief of Police
Subject: Hazardous Material, Biological-Chemical Terrorism Threat, Unidentified Substance, and Suspicious Parcel Response Procedures
Lexipol Ref: Hazardous Material Response

\textbf{I. POLICY}

It is the policy of this Department to provide police personnel who respond to or assist with any hazardous materials, biological-chemical terrorism threat, unidentified substance, or suspicious parcel with operational guidelines and information that will assist them in resolving the situation in a safe, proficient, and expeditious manner.

\textbf{II. DEFINITIONS}

A. 
\textbf{HAZARDOUS MATERIALS INCIDENT:} Hazardous materials shall be defined as any substance that may endanger public safety or create a public nuisance. An incident is any occurrence, which results in the release of any materials that present a threat to the safety of persons, property, wildlife or the environment. A hazardous materials incident may be intentional or unintentional and may result from a collision, container failure, fire, explosion or other event. The release of unknown materials into the environment shall be considered a hazardous materials incident until such time as they are removed or identified as non-hazardous.

B. 
\textbf{BIOLOGICAL-CHEMICAL TERRORIST THREAT:} Any articulated threat with evidence of a known biological or chemical agent or agent involving an unidentified substance that presents a threat to the safety of persons, property, wildlife or the environment.

C. 
\textbf{UNIDENTIFIED SUBSTANCE:} Any unknown substance that may potentially create a hazardous material or substance incident.

D. 
\textbf{SUSPICIOUS PARCELS:} Any letter or package with characteristics that include:

1. A powdery substance or residue is present on the outside or is leaking from it;

2. It was unexpected or received from an unfamiliar person;

3. It is addressed to someone no longer with the organization or is otherwise outdated;
4. It does not have a return address, or one that cannot be verified as legitimate;

5. It is an unusual weight, given its size, or it is lopsided or oddly shaped;

6. It has an unusual amount of tape on it;

7. It is marked with restrictive endorsements, such as “Personal” or “Confidential”;

8. It shows a city or state in the postmark that does not match the return address.

E. SCENE MANAGEMENT AUTHORITY: The responsibility to coordinate and direct operations in relation to control and cleanup of a hazardous material, biological-chemical terrorism threat, unidentified substance, or suspicious parcel incident.

1. Scene management at a hazardous materials incident is the responsibility of the Monterey Fire Department, per Monterey City Council Resolution #83-214.

2. Scene management at the onset of a biological-chemical terrorism threat, unidentified substance, or suspicious parcel incident will normally be the joint responsibility of the Monterey Fire and Police Departments. This course of action will typically require a unified command system. Scene and threat level assessment will oftentimes require a coordinated effort by both agencies. The results of the scene and threat assessment and the individual circumstances of each incident will dictate which of the two departments ultimately retain primary responsibility for overall scene management.

F. INCIDENT COMMANDER: The ranking or designated Fire Department or Police Department officer responsible for scene management at a hazardous material, biological-chemical terrorism threat, unidentified substance, or suspicious parcel incident. Duties of the incident commander include, but are not limited to:

1. Establish an incident command post.

2. Establish a staging area for responding personnel.
3. Determine level of incident and perimeter areas.
4. Determine rescue efforts.

5. Activate the City Emergency Plan (Police Department Action Plan) should area evacuation be necessary.

6. Identify a safety officer.

7. Determine areas for decontamination.

8. Identify a public information officer.

9. Activate the City Emergency Operations Center (EOC).

10. Coordinate with other departments and agencies.

11. Direct operations from the Incident Command Post.

III. HAZARDOUS MATERIALS, BIOLOGICAL-CHEMICAL TERRORISM THREAT, UNIDENTIFIED SUBSTANCE, OR SUSPICIOUS PARCEL INCIDENT CLASSIFICATION

A. LEVEL I INCIDENT

1. Spills, leaks, ruptures or fires which can be contained, extinguished or abated utilizing supplies and resources immediately available to the Fire Department, i.e. automotive fluids and other known, non-toxic materials below their reportable quantity in volume (RQ).

2. Incidents which do not require evacuation of civilians.

B. LEVEL II INCIDENT

1. Incidents which can only be contained, extinguished and/or abated utilizing resources of the private sector, which must be contracted per City Ordinance 2555 CS, and involve toxic materials, non-toxic hazardous materials over their RQ, and/or any unknown hazardous materials.

2. Incidents involving the evacuation of civilians.

3. Fires involving hazardous materials that are allowed to burn due to ineffectiveness of, or dangers of, the use of extinguishing agents, or unavailability of water, and/or a real threat of large container failure,
and/or an explosion, detonation or "bleve" (boiling liquid expanding vapor explosion).

4. An incident involving a multi-agency incident command post.

IV BIOLOGICAL-CHEMICAL TERRORISM THREAT, UNIDENTIFIED SUBSTANCE, AND SUSPICIOUS PARCEL INCIDENTS

A. The Monterey County Operational Area response guidelines covering biological-chemical terrorism threats, unidentified substances, and suspicious parcels should be followed (see attached).

B. A Field Supervisor shall respond to and direct Police operations at all such incidents.

C. All reported incidents involving biological-chemical terrorism threats, unidentified substances, and suspicious parcels that cause or otherwise bring about a police response shall be documented in a Police Incident Report with copies forwarded to the Division Captain, Chief of Police, and the Monterey County Sheriff’s Department.

V. POLICE DEPARTMENT RESPONSIBILITIES

A. INVESTIGATION AND DOCUMENTATION: Assist Fire personnel in investigating and documenting hazardous material incidents and, as appropriate, assume primary responsibility for the investigation of biological-chemical terrorism threat, unidentified substance, and suspicious parcel incidents. Determine any criminal violations which may result in prosecution and notify the City Attorney and/or the District Attorney as appropriate.

B. SCENE SECURITY: At the direction of the incident commander and/or police scene supervisor, take up perimeter positions to secure the contaminated area from unauthorized entry and secure the staging area for personnel and equipment.

C. TRAFFIC AND CROWD CONTROL: Direct and control vehicle and pedestrian traffic. Remove (tow) vehicles from site area as necessary.

D. EVACUATION:

1. Exclusion zone (contaminated) evacuation shall be conducted by properly equipped and specifically trained personnel at the direction of the Incident Commander.
2. Area evacuation shall be determined by the incident commander. Should an area evacuation of significant proportion become necessary, the Incident Commander shall initiate the Monterey Police Department Action Plan of the City of Monterey Emergency Plan.

3. Teams assigned to evacuate citizens from potentially hazardous areas shall secure names of evacuees and their status when possible.

VI. FIRST POLICE OFFICER RESPONSIBILITY

A. ARRIVE SAFELY. When approaching an incident site, the officer should consider environmental conditions (i.e. slope, terrain, uphill, upwind) and other relevant factors.

B. Assess the situation and advise County Communications of the best access so that Fire, Police, and other outside and support agency personnel can respond expeditiously and safely.

C. Direct responding personnel to a safe staging area.

D. Maintain scene discipline. Do not attempt rescue or first aid of victims directly involved in a hazardous material incident, unless it can be done without risk to any other person including the officer. Victims of contamination shall be directed to a safe area pending the identification of a primary decontamination location.

E. Officers should be aware of and gather information from placarding, product identification numbers, shipping papers, statements from involved parties, etc. in an attempt to identify the hazardous material or substance. Officers will consider their own safety, as well as public safety in attempting to obtain this information. Officers shall not unnecessarily expose themselves to any hazardous material or other unidentified or suspicious substance. In instances where the level of threat/risk is uncertain, a decision on how best to proceed shall be made jointly by the on-scene Fire Incident Commander and the Police supervisor/manager.

F. Detain and identify involved parties and witnesses to the incident; conduct preliminary interviews; prepare reports as directed.

G. Maintain scene control until otherwise relieved.
VII. POLICE SCENE-SUPERVISOR DUTIES

A. A Field Supervisor shall respond and direct Police operations at all hazardous material incidents and all incidents involving a biological-chemical terrorism threat, unidentified substance, or suspicious parcel. A Police Lieutenant (Watch Commander) may respond as necessary and oversee or assume control of Police operations as appropriate.

B. Meet with the Fire Department Incident Commander at the incident command post and establish a unified command.

C. Assist the Incident Commander in determining:
   1. A safe perimeter to which Police personnel shall be assigned for purposes of crowd and traffic control.
   2. Determine the safest routes for emergency vehicles into and out of the area.
   3. Determine safest routes for evacuation from the area.

D. Make assignments of responding Police units to:
   1. Designated perimeter posts.
   2. Crowd and traffic control.
   3. Investigate incident as necessary.

E. Coordinate relief personnel and the assignment of auxiliary personnel.

F. Advise Incident Command/County Communications of manpower/logistical needs.

G. Supervisors shall debrief all personnel involved in a hazardous material incident to determine whether or not the signs or symptoms of exposure are present.

VIII. ADDITIONAL POLICE PERSONNEL DUTIES

A. Additional officers shall report to the designated staging area for assignment on their arrival at a hazardous material incident.

B. Officers assigned to a perimeter post shall:
1. Isolate the area. Keep unauthorized persons out of the area.

2. When contacted by official press personnel with a request for entry into a closed area, officers performing site security shall coordinate with the Police Scene Supervisor to advise of the immediate dangers of contamination and other health hazards.

3. Keep Incident Command/County Communications advised of activity or action taken.

4. Identify victims of contamination and direct them to designated areas for decontamination.

C. Should officers detect any odors or other signs that may affect their safety or the safety of others, they shall:

1. Advise Incident Command/County Communications immediately via radio and then retreat from the area, and

2. Await further direction.

D. Officers exposed to, or feeling they may have been exposed to, a hazardous substance shall report it immediately to their supervisor so that decontamination and/or medical treatment can be started without delay.

IV. COST RECOVERY

A. The Monterey Fire Department shall be responsible for cost recovery as a result of a hazardous materials spill.

B. When a request for cost recovery is initiated through the Fire Department, the Police Services Manager shall prepare a cost summary of police resources utilized based on hazardous materials time sheets prepared by the Police Scene Supervisor.

C. The Police Scene Supervisor shall document and maintain a time sheet (see attached) listing the equipment, personnel and materials utilized for each case of a hazardous materials or related incident.
MCCLEOA Notice of Consent 1990.pdf
NOTICE OF CONSENT

OCTOBER 11, 1990

WHEREAS, Section 830.1 of the California Penal Code provides that the authority of a peace officer extends to any place in the State . . . . where he or she has the prior consent of the Chief of Police or person authorized by him to give such consent, if the place is within a city, of the Sheriff or such person authorized by him to give consent if the place is within a county.

NOW THEREFORE LET IT BE KNOWN THAT I hereby consent that any regularly sworn salaried peace officer of the City of Carmel, Del Rey Oaks, Gonzales, Greenfield, King City, Marina, Monterey, Pacific Grove, Salinas, Sand City, Seaside, Soledad and the County of Monterey as defined in Section 830.1 of the California Penal Code, shall have the authority of a peace officer at all times within the political subdivision for which I can give consent.

This consent shall be valid until revoked by me or my successor as Chief of Police/Sheriff.

Chief of Police
Carmel, CA

Chief of Police
Monterey, CA

Chief of Police
Del Rey Oaks, CA

Chief of Police
Monterey County, CA

Chief of Police
Gonzales, CA

Chief of Police
Pacific Grove

Chief of Police
Greenfield, CA

Chief of Police
Salinas, CA

Chief of Police
King City, CA

Chief of Police
Sand City, CA
2070 Position Coverage Procedures Prior 8904.pdf
MONTEREY POLICE DEPARTMENT

Effective: November 2011
Affected Staff: Sworn Personnel
Originator: Chief of Police
Subject: POSITION COVERAGE PROCEDURES
Lexipol Ref: Staffing Levels

Procedure 2070
Prior Directive #89.04

I. PURPOSE

The Monterey Police Department is charged with the responsibility of providing public safety service to the community and is committed to creating and maintaining a safe community. In carrying out this responsibility, Department personnel may be called upon to work beyond their normal work schedule. This directive outlines the procedures that supervisors will use to ensure that essential work assignments are filled in a timely manner. It also provides that, to the maximum extent possible, extra work assignments are given to volunteers and that when such assignments must be involuntary, that this is done on an equitable basis.

II. POLICY

It is the policy of this Department to follow these procedures, whenever possible, in providing adequate/required coverage for police service.

III. DEFINITIONS

A. **Scheduled Absence**: Vacation, floating holiday, compensatory time off, extended vacancies due to prolonged injuries or illnesses, etc.

B. **Unscheduled Absence**: An absence due to unanticipated illness, injury, or other emergency reason.

C. **Special Police Service**: Any circumstance where staffing is needed over and above the routine, including staffing for a special event, as determined by the Chief of Police.

D. **Rotational List**: A list of the names of police personnel that includes information regarding certain past overtime worked. Rotational lists are utilized to select officers to fill patrol vacancies and special police service assignments when volunteers cannot be found.

E. **Priority Vacation**: As defined and outlined in MPD Directive #92.01. Includes regularly scheduled days off that fall at the beginning and end of the approved vacation time off.

F. **Secondary Vacation**: As defined and outlined in MPD Directive #92.01, includes regularly scheduled days off that fall at the beginning and end of the approved vacation time off.
G. **Coverage Overtime**: Overtime associated with filling a vacancy on a patrol shift or a special event detail.

IV. **ROTATIONAL LISTS**

The Field Operations Division Commander shall establish and oversee the maintenance of the following rotational lists:

A. **Patrol Rotational List**

Patrol Rotational list shall be maintained on the Department’s “Shared Drive” and may be accessed (view only) by all Department personnel. It will include the names of all police officers assigned to Patrol and shall be organized by Platoon and Shift (i.e., 1A, 2A, 3A, 1B, 2B, and 3B).

Watch commanders and patrol supervisors are responsible for updating the Patrol Rotational list so that it accurately reflects the latest coverage overtime assignments made from the list, including:

1. Holdovers of three (3) or more hours;
2. Early call-ins of three (3) or more hours, or;
3. When an officer volunteers to work a ten-hour position previously assigned to another officer (see § V. B. 3. b.).

Personnel assigned to Investigations shall not normally be involuntarily assigned to fill patrol vacancies.

B. **Special Event/Ten Hour Patrol Overtime Rotational List**

Special Event/Ten Hour Patrol Overtime Rotational list shall be maintained on the Department’s “Shared Drive” and may be accessed (view only) by all Department personnel. It shall include the names of all police officers and sergeants including those in special assignments, i.e. traffic, investigations, etc. It shall be used to document special event and ten-hour (full day) patrol overtime assignments.

Patrol Lieutenants are responsible for updating the Special Event/Ten-Hour Patrol Overtime Rotational list so that it accurately reflects the latest patrol coverage overtime assignments made from the list. The Administrative Lieutenant shall be responsible for documenting overtime associated with Special Police Services (special events).

While personnel in special assignments will not normally be called upon to involuntarily fill patrol vacancies, they are subject to be assigned to Special
Event/Special Police Service assignments, except those specifically assigned to work narcotics in the Investigations Division.

C. General Considerations

1. These rotational lists will be used independently of each other to select/direct officers, as necessary, to fill the overtime requirements for Patrol and Special Events when volunteers cannot be found.

2. Officers will not receive credit on either rotational list for any assignment of less than three hours.

3. Other types of overtime, such as late case(s), court, conducting and attending training, volunteering for special details such as arrest and search warrant service, etc. shall not be documented on either rotational list. However, supervisors may take into account the fact that an officer has recently worked such overtime in making assignments from the rotational list.

4. An officer or sergeant who is on Primary or Secondary Vacation is generally exempt from assignment to work under these rotational list procedures.

5. Officers are encouraged to regularly review the rotational lists for accuracy and to report discrepancies to their supervisor without delay.

V. PATROL STAFFING PROCEDURES

A. Patrol Vacancies and/or Supplemental Staffing

1. The supervisor of the impacted watch shall determine whether there is a need to fill a vacancy or supplement staff.

2. Projected staffing levels and other operational factors shall be considered to determine:
   a. The need to fill a vacancy and/or supplement staff, and
   b. How many hours of coverage are necessary.

3. When possible, the assignments will be filled on a voluntary basis.

4. Scheduled Absences/Vacancies
   a. Each patrol sergeant is responsible for planning shift coverage and should review the shift calendar periodically in order to project future coverage needs.
b. Scheduled vacancies that need to be filled should be posted in the Patrol overtime (sign up) book with as much advance notice as possible.

c. Watch I or II vacancy: When possible, on duty Traffic and CAT Team Officers may be utilized to cover patrol vacancies on Watch I and II respectively on the platoon to which they are assigned.

d. The patrol sergeant should consult with his/her Lieutenant whenever possible to discuss proposed coverage using a special assignment officer. The patrol lieutenant shall consult with the Administrative Lieutenant when utilizing Traffic officers before finalizing the schedule.

e. Watch III vacancy: When there is a scheduled vacancy on Watch III lasting longer than one work week in duration, a Watch II officer may be temporarily moved to cover that vacancy.

   i. Watch III sergeants are responsible for reviewing the approved time off requests of those assigned to his/her supervision to identify coverage needs. This is best done shortly after the annual shift rotation and any time a new time off request is approved.

   ii. When one is found, the officers from Watch II of the same platoon shall be advised of the dates of the coverage to determine if one of them is willing to temporarily move to cover.

   iii. If no one volunteers, an officer from Watch II will be temporarily assigned to cover the vacancy.

      (a) Selection shall start with the Watch II officer having the least seniority. Each future vacancy meeting these criteria will be assigned to the next least senior officer on Watch II and so on.

      (b) The assigned officer shall be given at least 30 days notice of the impending assignment whenever possible.

      (c) The assignment will last the entire length of the scheduled leave.

      (d) The Watch II supervisor shall record the name(s) of those who have covered and identify those next to cover if needed.
f. Scheduled vacancies can be covered with either a five-hour holdover and/or a five-hour call-in or as a full ten-hour shift, depending upon the shift and/or day of the week.

g. The below minimum staffing guidelines represent regular/usual staffing levels but they are also intended to be flexible, based upon the circumstances of any given day/time. As such, the Field Supervisor / Watch Commander shall have the authority and discretion to determine shift staffing levels on a daily basis:

<table>
<thead>
<tr>
<th>MINIMUM STAFFING - GENERAL GUIDELINES</th>
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<tbody>
<tr>
<td>Sunday – Saturday</td>
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<tr>
<td>Watch 1</td>
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<tr>
<td>4 Officers &amp; 1 Sgt.</td>
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<tr>
<td>Watch 2 / 3 Overlap (2130 – 0230 hrs)</td>
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<tr>
<td>Watch 2</td>
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<tr>
<td>4 Officers &amp; 1 Sgt.</td>
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<tr>
<td>Sunday – Thursday</td>
</tr>
<tr>
<td>6 Officers &amp; 1 Sgt.</td>
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<tr>
<td>Friday &amp; Saturday</td>
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<tr>
<td>Watch 3</td>
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<tr>
<td>3 Officers &amp; 1 Sgt.</td>
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h. The Field Operations Deputy Chief and the Patrol Lieutenant has discretion to reduce or require assigned overtime based on operational needs.

i. Every effort should be made to fill scheduled vacancies as early as possible. This practice will reduce the number of occurrences where employees are notified at the last minute that they must fill a vacancy.

j. If no volunteer is identified for a five-hour vacancy, the supervisor of the impacted watch shall utilize the Patrol Rotational List to fill the vacancy. In each case, the supervisor should advise the intended appointee(s) of the impending extra duty seventy-two (72) hours prior, if practical.

k. When it has been determined that an entire shift assignment (10 hours) needs to be filled, generally an employee from the opposite Platoon should be utilized to fill it. These unfilled vacancies will be staffed using the following procedure:

i. On the first day of every workweek, each patrol lieutenant, or his/her designee, shall determine the number of unfilled vacancies requiring ten (10) hour coverage on the opposite platoon over the next 30 days;
ii. The Special Event/Ten Hour Patrol Overtime Rotational List shall be used to determine which officer(s) is next on the list and available to work;

iii. Officer(s) shall be assigned the responsibility to cover specific assignments based upon their position on the list, i.e., the person who most recently served an overtime assignment shall be selected last, depending upon their availability due to work schedule.

iv. Email each officer selected of their respective assignment with a copy sent to Watch;

v. Write the employee’s name, along with the date the assignment is made and the assigning manager/supervisor’s initials, in the overtime book on the respective date;

vi. The assigned officer(s) will be responsible to cover the vacancy:

(a) If the assigned officer finds another officer to volunteer to work the assigned overtime, the officer originally assigned the responsibility shall:

(1) Electronically notify his /her immediate supervisor and the supervisor of the shift/event with the vacancy, of the change. A copy of this email will also be sent to the officer volunteering to cover the vacancy.

(2) A copy shall also be forwarded to the appropriate Patrol Lieutenant or Administrative Lieutenant, depending upon the assignment, for approval.

(3) The approving Lieutenant shall change the assignment in the overtime book by listing the replacement officer’s name and date in place of the original entry and initial the change.

5. Unscheduled Absences/Vacancies

a. When appropriate, each watch shall be responsible for the first five hours of coverage following that watch (holdover). During the last five (5) hours of Watch 1, officers from Watch 2 may have to be called in early if the vacancy can’t be filled voluntarily or covered using a Traffic or CAT officer.
b. Personnel from the other Platoon may be directed to fill the vacancy when necessary.

c. Any unscheduled absence that is anticipated to last longer than two weeks will be considered “scheduled” for the purposes of staffing the vacancy. The procedures outlined in § V. A. 4. will be used to fill these vacancies.

6. Supervisory Vacancies

a. Sergeants or a Lieutenant will be utilized to fill Sergeant vacancies at the discretion of the Patrol Lieutenant or the Division Commander.

b. When appropriate, the On-Duty Supervisor will fill a supervisory vacancy for the first five (5) hours of the following Watch. The supervisors before and after the vacancy can decide to split the coverage as a way to minimize their total hours worked.

c. Ten-hour coverage is required anytime there is a Sergeant vacancy under the following circumstances:

   i. Anytime there is a vacancy on Watch 1, 2, or 3 and there is no other supervisor or manager working or available from a special assignment who can cover the patrol vacancy.

   ii. On a shift on which a significant special event (e.g. First Night) occurs.

d. Lieutenants may fill a supervisory vacancy.

B. Credit for Covering a Patrol Vacancy

1. “Credit” means that the officer’s name will move to the bottom of the appropriate rotational list.

2. Holdover/Call-in (Typically five hours)

   a. Officers will be given credit on the Patrol Rotational list whether they volunteer or are held over/called in early.

   b. To receive credit, the assignment must be a minimum of three hours.

3. Ten Hour Coverage
a. Officers/sergeants will be given credit on the Special Event/Ten Hour Patrol Overtime list as applicable below:

   i. When they work an assigned ten hour shift, or;

   ii. When they find another officer to work the shift previously assigned to them, or;

   iii. When an officer volunteers for and works a ten-hour position;

   iv. When a sergeant volunteers for a ten-hour position either before or after it is assigned to another sergeant.

b. Officers who agree to cover a ten-hour shift previously assigned to another officer will receive credit on the Patrol Rotational list.

   i. Two officers may agree to volunteer to share coverage for a required ten-hour shift either before or after it is assigned to another officer. In such circumstances, each of the volunteer officers will receive credit on the Patrol Rotational list, assuming each worked at least three (3) hours.

VI. SPECIAL POLICE SERVICE (EVENT) STAFFING PROCEDURES

A. The Support Division Commander will oversee all requests for Special Police Services.

B. The Administrative Lieutenant will be responsible to coordinate Special Event/Police Special Services staffing.

C. Events requiring staffing will be posted and include the assignment, location, date, times, and to whom the officer shall report.

D. When possible, the assignments will be filled on a voluntary basis.

E. If no volunteer(s) is identified the Administrative Lieutenant shall utilize the Special Event/Ten Hour Patrol Overtime rotational list to fill any vacancies.

F. To receive credit, the assignment must be a minimum of three (3) hours.

G. In each case, the Administrative Lieutenant should advise the assigned officer(s) of the impending extra duty a minimum of 7 days prior, if possible. Notification shall occur in the same manner as outlined in §V.4.f.iv.

VII. SPECIAL ASSIGNMENT STAFFING PROCEDURES

A. Vacancies or absences occurring within special assignments will not be
filled under normal circumstances.

B. The Section Supervisor may fill vacancies under unusual circumstances, with the approval of the Division Commander.

C. Personnel in special assignments may be required to fill Patrol vacancies at the discretion of and concurrence of the Division Commanders or Chief of Police.

Tim Shelby
Chief of Police

ORIGINAL: April 1989
City of Monterey

Injury and Illness Prevention Program

Prepared by

DU-ALL SAFETY

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## REVISION HISTORY LOG

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<th>Section</th>
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</tr>
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<td>September 2016</td>
<td>All</td>
<td>Du-All Safety</td>
<td>Complete review and update. New format and overhaul</td>
</tr>
<tr>
<td>May 2017</td>
<td>All</td>
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<td>August 2017</td>
<td>All</td>
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</table>
1.0 PURPOSE

The purpose of this Injury and Illness Prevention Program is to provide employees with a safe and healthy workplace by identifying responsibilities to be followed by management, employees, and the employer. Employees have a right to a safe workplace and their employer has a duty to ensure that every manager and supervisor is aware of the City of Monterey’s (herein referred to as City) safe work practices and that they are being followed by each employee.

The City is adopting this Injury and Illness Prevention Program to meet or exceed the requirements of California Code of Regulations, Title 8, Section 3203. The Program applies to all Full-time, Regular Part-time, Part-time Temporary Seasonal employees and volunteers working for the City.

2.0 RESPONSIBILITIES

2.1 ALL EMPLOYEES

All employees are ultimately responsible for their own safety, although the employer and management have the primary responsibility in providing employees with a safe and healthy workplace. An employee is not required to do work if they have a reasonable belief that the work is unsafe or if they can reasonably establish that they have not been properly trained or equipped to perform the work. Employees’ responsibilities for safety include:

a) Attend all required safety classes. (This includes participating and being attentive.)
b) Follow the City’s safety policies, procedures and programs.
c) Report any unsafe or potentially dangerous situation so that the situation may be abated.
d) Report all injuries and “near misses” to their supervisor immediately.
e) Understand that an employee may be disciplined for failure to follow safe procedures.
f) Encourage fellow employees to keep the safety “mindset.”

2.2 SAFETY COORDINATOR

The Safety Coordinator has the lead role in advising and assisting supervisors and managers in executing their safety-related responsibilities.

The Safety Coordinator for the City of Monterey is: the Human Resources Director

The Safety Coordinator’s responsibilities include:

a) Assume the lead role and the general authority to supervise all aspects of the IIPP and other safety related matters.
b) Utilize all available resources to ensure hazards are reasonably resolved in a timely manner.

c) Work with management to ensure that safety is compliant through periodic inspections, training or site visits.

d) Coordinate safety training.

e) Work with management and the safety committee to respond to employee safety suggestions and reports of hazardous conditions.

f) Maintain records as described in Section 8.3.

g) Establish, implement and maintain an effective IIPP and update it periodically to keep employees safe. (The IIPP should be reviewed periodically by management with any employee input taken into consideration.)

h) Coordinate inspection of workplace(s) to identify and correct unsafe and hazardous conditions.

i) The authority to implement and maintain this IIPP.

j) Monitoring Department’s use of color codes, posters, labels or signs to warn employees of identified potential hazards.

k) Report immediately, but no longer than 8 hours, by telephone to the nearest Cal/OSHA Enforcement Unit district office any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. (Serious injury or illness is defined in section 330(h), T8CCR - Section 8.2 of this IIPP.)

l) Keep records of work-related injuries and illnesses on the log 300. (At the end of the calendar year, copy the totals from the log 300 and transfer the information to the log 300A which must be posted February 1 through April 30 each year.)

m) Post, at a prominent location within the workplace, the Cal/OSHA poster informing employees of their rights and responsibilities.

2.3 SAFETY COMMITTEE

The Safety Committee is composed of the Safety Coordinator and Department Safety Coordinators. There are no term limits for any committee member. The Safety Committee Charter may be found in Appendix A, and the Safety Committee Members are listed in Appendix B.

Along with implementing the program, the Safety Committee members will, at a minimum, be responsible for the following:

a) Attending Safety Committee meetings.

b) Disseminating safety related information so that each department is aware of upcoming training, inspection findings, reported hazards and corrective actions.

c) Relaying any safety concerns to the Safety Committee for remediation and/or compliance, and reporting any unsafe conditions to their supervisor.

d) Supporting good housekeeping standards and cleanliness in City departments.
e) Evaluating causes of injuries and what actions need to be taken to protect employees.
f) Recognizing employees who contribute to the safety programs and/or effect positive change through safety suggestions, observations and recommendations for improvement.

2.4 DEPARTMENT HEADS

Department Heads shall be responsible for:

a) Administering the Injury & Illness Prevention Program within his/her department. The Department Head may choose to designate a responsible Safety Coordinator for their Department with the authority to coordinate the safety duties as listed below.
b) Regularly reviewing the progress of the Department Safety Coordinator.
c) Investigating workplace accidents/exposures and providing corrective action(s) to prevent reoccurrence (Section 8.0).
d) Disciplining employees who do not comply with safety rules, procedures and policies, as may be appropriate.

2.5 MANAGERS AND SUPERVISORS

All personnel responsible for employee supervision shall:

a) Establish or update operating procedures and communicate them so employees follow safety and health requirements.
b) Ensure that his/her employees are following safety procedures and policies.
c) Be current on all safe work practices.
d) Ensure that employees are wearing all required personal protective equipment (PPE).
e) Not direct employees to perform tasks for which they have not received proper training.
f) For those employees who work under the construction orders (Section 3.0), conduct “tailgate” or “toolbox” safety meetings at least every 2 weeks to ensure the safety mindset in every employee (Appendix C).
g) Report any injury or “near miss” (non-injury incidents) to the next highest supervisor, who will then forward any report to Human Resources.
h) Ensure that every employee required to attend safety training is in attendance and attentive. If an employee misses a class, work with Human Resources and/or the Safety Coordinator to ensure that said employee receives make-up training prior to job assignment.
i) Understand and be aware of all hazards associated with job assignments.
j) Understand which Safety Orders pertain to which employees under their supervision (Section 3.0). By understanding the work being performed and knowing which set of orders employees fall under, managers and supervisors may train and educate their employees on proper safety procedures regulated by Cal/OSHA.
2.6 HUMAN RESOURCES

Human Resources responsibilities towards safety include:

a) Notify OSHA within 8 hours of learning of a serious injury or death to an employee.
b) Coordinate and schedule safety training.
c) Ensure that all affected employees are notified of upcoming safety classes.
d) Document and maintain training records for each employee.
e) Coordinate and ensure that all accident and injury reports have been filled out correctly so if a workers’ compensation claim is made, all documentation is correct.
f) Maintain the OSHA Log 300 form. Post the OSHA 300A form from February 1 through April 30 of the previous year’s accident summary in prominent locations throughout City buildings so that employees may have easy access to the summary.
g) Work with management and the Safety Committee to ensure that all employees’ safety concerns or suggestions are being handled with due diligence.
h) Provide any forms required to be filled out by managers and employees in the event of an injury or accident.
i) Provide departments with the most up-to-date Cal/OSHA posters informing employees of their rights and responsibilities.
j) Coordinate and communicate with the contracted safety consulting agency to ensure safety compliance.
k) Maintain all Cal/OSHA related documentation.

3.0 EVALUATING HAZARDS AND SAFETY ORDERS

Before a potentially hazardous task or job is to be started, the City recommends that the Department evaluate the hazards associated with the job. For example, a supervisor cannot task an employee to enter a confined space without ensuring that the employee has been properly trained on the potential hazards of this task. The Job Safety Analysis Form (Appendix D) is designed to help identify and evaluate work place hazards.

Hazards must be identified and evaluated:

- When Safety Orders are revised. City employees are governed by California Code of Regulations General Industrial Safety Orders (GiSO) or Construction Safety Orders (CSO).
- During an accident investigation process.
- When revealed during a routine inspection.
- Whenever new substances, processes, procedures, or equipment are introduced to the work place, to determine if they represent a new safety hazard.

When employment exists in connection with the construction, alteration, painting, repairing, construction maintenance, renovation, removal, or demolition of any fixed structure or its parts, that work will be considered construction, and will be regulated by the CSO.
It is possible that because of the diverse nature of their assignments, field staff could be governed by either set of orders depending on the task. At construction projects, the CSO take precedence over any other general orders that are inconsistent with them.

Examples of work that would be considered to fall under the GISO may include:

- Office & Administrative Duties
- Library Duties
- Parking Related Duties
- Recreation Related Duties
- Conference Center Maintenance
- Automotive Repair
- Engineering Related Duties
- Building and Public Work Inspections
- Custodial Services
- Gardening/Landscape Services
- Marina/Harbor Related Duties
- Police Department Services
- Fire Department Services
- Museum Related Duties

Examples of work that would be considered to fall under the CSO may include:

- Carpentry
- Electrical
- Locksmith
- Painting and/or Plastering
- Plumbing
- Building Maintenance
- Streets Maintenance
- Harbor Maintenance

### 4.0 CODE OF SAFE PRACTICES/SAFETY RULES

Once all hazards are identified and evaluated by using the General Industry Safety Orders (GISO), the Construction Safety Orders (CSO), other pertinent regulations, employee input, Job Safety Analysis, and available published statistics, the Code of Safe Practices would then be developed. The code includes all the proper preventive measures to work safely in a specific environment or with specific equipment.

The City has specific work practices that are unique to each department. To minimize injury while performing each task, supervisors and managers within each department should evaluate the hazards associated with their department, consider employee input, and develop a Code of Safe Practices/Safety Rules to be followed by all employees.
Employees are to receive specific instruction by their supervisor with respect to hazards specific to each employee's job assignment, as found in the Code of Safe Practices/Safety Rule.

- The Code of Safe Practices/Safety Rules must be reviewed and updated periodically as new hazards are identified.
- When the Code of Safe Practices/Safety Rules is updated, workers must be alerted and/or trained by their managers, supervisors, etc. regarding the new hazard and the new proper safe practice(s) being implemented.

5.0 SAFETY INSPECTIONS

Periodic inspections are designed to ensure that safe practices are being followed and to help identify new or previously unrecognized hazards.

Periodic Inspections are to be conducted at the following frequencies:

- Annually for all office or administrative areas, and low hazard areas, i.e., the Library, the Conference Center, the Museum and all Recreation Centers.
- Semi-Annually for higher hazard areas such as the Police Department, Fire Department, Corporate Yard, Building Maintenance Workshops, Marina/Harbor areas, and Parking Garages.

<table>
<thead>
<tr>
<th>SAFETY RISK ASSESSMENT CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Safety Risk Assessment Code is determined as follows:</td>
</tr>
<tr>
<td><strong>Class 1 – Critical:</strong> may cause death, serious injury, significant environmental impact, or substantial financial losses and/or is likely to occur soon.</td>
</tr>
<tr>
<td><strong>Class 2 – Serious:</strong> may cause injury, occupational illness, or environmental or property damage and/or probably will occur in time.</td>
</tr>
<tr>
<td><strong>Class 3 – Minor:</strong> probably would not significantly affect personnel or environmental safety or health, but is a violation of specific criteria.</td>
</tr>
</tbody>
</table>

**Required Inspection Frequency**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Extinguisher/AED</td>
<td>Monthly</td>
</tr>
<tr>
<td>Eye Wash Station</td>
<td>Monthly</td>
</tr>
<tr>
<td>Emergency Shower</td>
<td>Monthly</td>
</tr>
<tr>
<td>Hazardous Waste Containers</td>
<td>Monthly</td>
</tr>
<tr>
<td>Forklift</td>
<td>Every Pre-shift</td>
</tr>
</tbody>
</table>
AS A GENERAL RULE, ALL PERSONNEL ARE RESPONSIBLE FOR CONTINUOUS, ONGOING INSPECTION OF THE WORKPLACE AND THE IMMEDIATE REPORTING OF HAZARDS TO THEIR SUPERVISOR OR MANAGER.

6.0 HAZARD CORRECTION

All identified hazards shall be corrected in a timely manner based on the Safety Risk Assessment Code.

- A supervisor will designate who will fix the hazard and a completion date should be established and checked off by the appropriate person.
- If a serious hazard cannot be abated immediately without endangering workers and/or property, the City will remove all exposed workers from the area, except those necessary to correct the hazard.
- Workers correcting any hazardous condition will be provided with the necessary protection.
- If a piece of equipment or condition cannot be corrected immediately, the hazardous equipment will be locked and/or tagged “out of service” (or the procedure discontinued).

When a problem is corrected, the inspection form (Appendix E) should be signed and dated by the person responsible for the work.

The correction protocol that should be used may include:

- Engineering control (i.e. guardrails)
- Administrative control (i.e. no cell phone use while driving or flagging),
- Personal Protective Equipment (PPE)
- Employee training

7.0 TRAINING AND INSTRUCTION

Training is the most important part of this program. It is critical that all employees understand their potential workplace hazards and are trained in:

a) Safety procedures and policies
b) Procedures to document and record workplace injuries or illnesses
c) Employee and management responsibilities relating to safety

Supervisors and/or Safety Coordinators shall receive training to familiarize them with the health and safety hazards to which employees under their immediate direction and control may be exposed.
Supervisors and/or Safety Coordinators are responsible for ensuring that those under their direction receive training on general workplace safety, as well as on health and safety issues specific to their job.

Training is provided:

a) To all employees, including those given new job assignments for which training has not yet been received.

b) Whenever new substances, processes, procedures or equipment are introduced to the workplace that potentially represents a new hazard.

c) Whenever the employer is made aware of a new or previously unrecognized hazard.

The Training Log for all employees is to be filled out completely, upon the completion of any training. All training logs, including tailgate meetings, should be forwarded to the Safety Coordinator.

8.0 INJURY & ILLNESS INVESTIGATIONS AND RECORDKEEPING

8.1 ACCIDENT / EXPOSURE INVESTIGATION

When an occupational illness, accident, or injury occurs, an Investigation of Industrial Injury/Illness Form must be completed immediately by the employee and the employee’s supervisor. Worker’s Comp packets may be provided by the employee’s supervisor, Dept. Administrative Staff or obtained from the Human Resources Department, at 735 Pacific Street, Suite B. All applicable forms should be completed in a timely manner and given to the Benefits Manager.

In the event of a “near miss” (non-injury incident), the incident is still to be investigated using the Investigation of Industrial Injury/Illness Form.

8.2 SERIOUS INJURY REPORTING TO CAL/OSHA

The City shall report immediately by telephone to the nearest District Office of the Division of Occupational Safety and Health, any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. If a contractor is injured, the contractor’s employer must notify Cal/OSHA.

Immediately means as soon as is practically possible, but not longer than 8 hours after a manager or supervisor knows, or, with diligent inquiry, would have known of the death or serious injury or illness.

A serious injury is defined as: an injury or illness which requires hospitalization for more than 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement.
Exception: An injury is not reportable if it occurs during a crime (penal code violation), or on a public roadway (vehicle accident). If uncertain whether the accident was a “vehicle accident,” notification to Cal/OSHA is advised.

8.2.1 REPORTING PROCEDURE

Employees are responsible for immediately notifying their manager or supervisor of a serious injury or death to any employee. The manager will then provide medical attention for the injured employee. Management will then notify the Human Resources Director, who will call and report the injury or illness to Cal/OSHA. If the manager is unable to speak directly with the Safety Coordinator or designee, they are to leave a detailed voice message and then call Cal/OSHA to report the serious injury or fatality at:

Fremont Office
39141 Civic Center Dr.
Suite 310
Fremont, CA 94538-5818
510-794-2521

When making notification the reporting party shall include the following information, if available:

a) Time and date of accident.
b) Employer's name, address and telephone number.
c) Name and job title, or badge number of person reporting the accident.
d) Address of site of accident or event.
e) Name of person to contact at site of accident.
f) Name and address of injured employee(s).
g) Nature of injury.
h) Location where injured employee(s) was (were) moved to.
i) List and identity of other law enforcement agencies present at the site of accident.
j) Description of accident and whether the accident scene or instrumentality has been altered.

8.3 RECORDKEEPING

Whenever an Employer's Report of Occupational Injury or Illness Form 5020 is filed, an entry must be made in the Cal/OSHA Form 300 by the Human Resources Department.

Human Resources will also complete the Cal/OSHA Form 301.

Human Resources will keep records of:

- Documented safety and health training
• Documented accident, injury and illness investigations, including the completed form(s)
• Copies of all required injury and illness related forms
• Safety Committee meeting minutes
• Disciplinary records
• Inspection reports and corrective actions
• Training records, including toolbox/tailgate meetings (Appendix C) (Supervisors are responsible for giving a copy of their tailgate meetings to the Safety Coordinator and Human Resources)
• Safety suggestions
• Accident reports and medical surveillance documents

The legally mandated minimum records retention durations are given in Appendix F.

9.0 COMMUNICATION

Communication is an important part of the IIPP. City management believes the best way to maintain the safety "mind set" is through the following means:

a. Since the employee is often in a better position to spot potential hazards in the work areas, we have placed safety suggestion boxes and forms (Appendix G) in the Human Resources Office, the City Clerk’s Office, the Recreation Admin Office, the Parks Division Office, the Harbor Division Office, the Parking Division Office, the Monterey Sports Center Break Room, the Building Maintenance Break Room, and the Employee Break Room, which is located behind City Hall. Safety suggestions can also be submitted via phone or e-mail through the City of Monterey Suggestion Line at 831-646-3799 or montereysuggest@monterey.org. Employee input with regard to safety is encouraged. All suggestions will be reviewed at the Safety Committee Meeting with a response given in a timely manner to the person making the suggestion.

b. Safety posters and signs will be posted in common areas to help remind employees of certain hazards and how to protect themselves.

c. A standing Safety Committee meets the first Thursday of each month. The Charter for the committee may be found in Appendix A.

10.0 COMPLIANCE

Employees who fail to comply with the City’s safety policies and procedures will be subject to disciplinary action, up to and including, termination as per the Monterey City Code §25-14.

Employees should understand that the actions of managers and supervisors as part of the disciplinary process are intended to correct & redirect their behavior toward the achievement of the City’s goals and objectives.
While management wants to remain as positive as possible, management must properly address the adverse actions of employees.

If any employee fails to follow the City’s safety procedures, the employee’s supervisor should:

   a) Inform the employee of the violation.
   b) Inform or remind the employee of the correct procedure.
   c) Ask the employee to comply and correct the violation(s).
   d) Remind the employee of the City’s disciplinary policy.

Employees are referred to their management regarding the City’s disciplinary policies and procedures.
I. PURPOSE

The purpose of this policy is to establish procedures regulating the administration of a bilingual program within the Police Department. (This policy was initiated as a result of the Monterey Police Association’s Memorandum of Understanding and became effective as of September 1, 1999.)

II. POLICY

It is the policy of the Monterey Police Department to certify and compensate a number of bilingual employees to regularly translate and interpret for and effectively communicate with members of the public who either are non-English speaking or possess limited English speaking skills.

III. PROCEDURES - AUTHORIZATION

A. The Police Chief is authorized to consider requests from employees who desire to pursue bilingual certification.

B. The Police Chief shall retain authority to approve or disapprove any such request. In making such determinations, the Police Chief will review and consider the existing needs of the department, City, and community.

C. Employees who are contemplating beginning or continuing studies in pursuit of bilingual certification associated with this Plan should seek initial approval of their target language from the Police Chief via the Chain of Command prior to the start of such studies.

IV. ELIGIBILITY

A. Sworn employees who hold the rank of sergeant or police officer may make a written request to the Police Chief via the Chain of Command to pursue bilingual certification by undergoing a language proficiency examination.

B. There are a number of foreign or sign languages that may qualify for bilingual certification, if so authorized by the Police Chief they include but are not limited to: Spanish, French, Italian, German, Japanese, Chinese-Mandarin, Korean, Vietnamese, Russian and American sign language. The Police Chief has authority to approve other foreign languages for bilingual certification on a case-by-case basis.
V. CERTIFICATION

A. Only those department members authorized to become certified as bilingual employees will be allowed the opportunity to take a department sponsored language proficiency examination.

B. The examination will be administered and scored by an agency certified to administer language proficiency testing in accordance with the standards set by the Foreign Language Testing Board (FLTB) of the Federal Interagency Language Roundtable (FILR), {e.g., Defense Language Institute} or other certified testing agency as appropriate. The examination will be designed to include information and scenarios that are job related.

C. For certification purposes, an employee must demonstrate a minimum speaking and listening comprehension proficiency of Level 2 in his/her target foreign language. These proficiencies shall be demonstrated during the testing process and so documented by the individual conducting the examination. (see attached Proficiency Levels – Summaries / Speaking)

D. Sign language testing proficiency standards and the certified agency utilized for testing purposes will be developed/identified as the need arises.

E. A proficiency evaluation from the testing entity shall be provided to the Police Chief prior to an employee’s bilingual certification.

F. An employee who fails to meet the minimum proficiency standards required for bilingual certification may reapply 2 months after his/her most recent examination date.

G. Certified bilingual employees who desire to continue to receive bilingual compensation must be re-certified every 36 months.

H. Prior to recertification of an employee, the Police Chief shall review the existing need for the applicable foreign or sign language and based upon those needs may either approve or disapprove recertification testing and any subsequent bilingual compensation.

VI. COMPENSATION

MPD employees who pass the language proficiency examination shall be eligible to receive compensation equal to 5% of their base monthly salary.

VII. USE

A. Following bilingual certification, the employee is responsible for orally translating and interpreting to the best of his/her ability. Also, it shall be the certified bilingual employee’s responsibility to use good judgement in determining his/her own ability
to translate depending upon the complexity of the situation. This is particularly applicable in situations where officer/public safety and/or liability exposure are significant concerns that may be exacerbated by attempts to translate or interpret beyond one’s level of proficiency. Certified bilingual employees are required to notify their supervisor immediately of problems associated with performing their translation or interpretation duties.

B. Certified bilingual employees are encouraged to seek continuously to improve their language skills for both professional and personal development purposes.

C. Certified bilingual employees may be assigned to assist other City departments, law enforcement agencies, or other public agencies as the need arises.

D. Certified bilingual employees may be subject to reassignment to other shifts to balance better and therefore fulfill the department’s bilingual officer needs.

VIII. DURATION

The Police Chief reserves the right to discontinue an employee’s certified bilingual status and associated compensation based upon existing department foreign language needs.

Gary E. Brown
Police Chief

ORIGINAL: October 2000

Attachment
MPD 706 - Sec 2 - MPRSRU Equip Owned Oper.pdf
### SECTION TWO - QUALIFYING EQUIPMENT OWNED/UTILIZED BY LAW ENFORCEMENT AGENCIES THE MPD COLLABORATES AND/OR PARTICIPATES WITH AS PART OF THE MPRSRU FOR LAW ENFORCEMENT PURPOSES

#### AB 481 Category
Government Code §7070(c):

(1) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons

#### (1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment

<table>
<thead>
<tr>
<th>Description</th>
<th>37mm Less Lethal Launcher and Oleoresin Capsicum “OC” munitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (existing/sought)</td>
<td>0 (owned by collaborating law enforcement agency for MPRSRU SWAT Team)</td>
</tr>
<tr>
<td>Capabilities</td>
<td>The 37mm Less Lethal Launcher is capable of firing barricade penetrating “OC” rounds which disperse .02 ounces of OC powder into a defined space. These munitions are designed to dislodge barricaded subjects from confined areas.</td>
</tr>
<tr>
<td>Expected lifespan</td>
<td>15 years</td>
</tr>
<tr>
<td>Manufacturer’s description</td>
<td>The Federal 37 mm Less Lethal Launcher. Is a single-shot break-open platform designed to fire 37mm less lethal oleoresin capsicum munitions.</td>
</tr>
</tbody>
</table>

#### (2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment

| Purpose(s)/Authorized Use | The 37mm Less Lethal Launchers and “OC” Munitions are intended for use as a less-lethal use of force option. |

#### (3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment

| Initial cost | $0 (not owned by MPD) |
| Annual costs | $0 (not maintained by MPD) |

#### (4) The legal and procedural rules that govern each authorized use

| Legal | All applicable State, Federal and Local laws governing police use of force. |
| Procedural | MPD Policies - 404 (Monterey Peninsula Regional Special Response Unit) |

#### (5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy

| Required training | All MPRSRU members are required to complete an initial POST certified 80 hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually. MPRSRU members train on this piece of equipment 4 hours annually. |
| Other | The Monterey Police Department participates in the Monterey Peninsula Regional Special Response Unit SWAT Team (MPRSRU). This equipment is owned and operated by MPRSRU SWAT. While the Monterey Police Department does not own this equipment, it could be used in Monterey by MPRSRU SWAT if they are deployed to an incident within city limits. |
### SECTION TWO - QUALIFYING EQUIPMENT OWNED/UTILIZED BY LAW ENFORCEMENT AGENCIES THE MPD COLLABORATES AND/OR PARTICIPATES WITH AS PART OF THE MPRSRU FOR LAW ENFORCEMENT PURPOSES

<table>
<thead>
<tr>
<th>AB 481 Category</th>
<th>Govt Code §7070(c):</th>
<th>(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Description:</strong></td>
<td>40mm Less Lethal Launchers and Kinetic Energy Munitions</td>
<td></td>
</tr>
<tr>
<td><strong>Quantity (existing/sought):</strong></td>
<td>0 (owned by collaborating law enforcement agency for MPRSRU SWAT Team)</td>
<td></td>
</tr>
<tr>
<td><strong>Capabilities:</strong></td>
<td>The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, known as sponge projectiles</td>
<td></td>
</tr>
<tr>
<td><strong>Expected lifespan:</strong></td>
<td>15 years</td>
<td></td>
</tr>
<tr>
<td><strong>Manufacturer’s description:</strong></td>
<td>Penn Arms 40mm Multi-Shot launchers are manufactured using 4140 hardened steel, 6061-T6 mil-spec anodized aluminum, and DuPont super tough glass-filled nylon. These launchers are lightweight, versatile, and used worldwide by police and corrections officers. The 40mm launcher is available in both pump-action advance and single shot versions</td>
<td></td>
</tr>
<tr>
<td><strong>(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Purpose(s)/Authorized Use:</strong></td>
<td>The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less-lethal use of force option.</td>
<td></td>
</tr>
<tr>
<td><strong>(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Initial cost:</strong></td>
<td>$0 (not owned by MPD)</td>
<td></td>
</tr>
<tr>
<td><strong>Annual costs:</strong></td>
<td>$0 (not maintained by MPD)</td>
<td></td>
</tr>
<tr>
<td><strong>(4) The legal and procedural rules that govern each authorized use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Legal:</strong></td>
<td>All applicable State, Federal and Local laws governing police use of force.</td>
<td></td>
</tr>
<tr>
<td><strong>Procedural:</strong></td>
<td>MPD Policies - 404 (Monterey Peninsula Regional Special Response Unit)</td>
<td></td>
</tr>
<tr>
<td><strong>(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Required training:</strong></td>
<td>All MPRSRU members are required to complete an initial POST certified 80 hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually. MPRSRU members train on this piece of equipment 4 hours annually.</td>
<td></td>
</tr>
<tr>
<td><strong>Other:</strong></td>
<td>The Monterey Police Department participates in the Monterey Peninsula Regional Special Response Unit SWAT Team (MPRSRU). This equipment is registered to the Sand City Police Department for use by MPRSRU SWAT. While the Monterey Police Department does not own this equipment, it could be used in Monterey by MPRSRU SWAT if they are deployed to an incident within city limits.</td>
<td></td>
</tr>
</tbody>
</table>
(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment

<table>
<thead>
<tr>
<th>Description:</th>
<th>Remington 870 Breaching Shotgun</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (existing/sought):</td>
<td>0 (owned by collaborating law enforcement agency for MPRSRU SWAT Team)</td>
</tr>
<tr>
<td>Capabilities:</td>
<td>Remington 870 12 gauge shotgun modified with pistol grip and barrel standoff designed for breaching doors or other points of entry.</td>
</tr>
<tr>
<td>Expected lifespan:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Manufacturer's description:</td>
<td>The Remington Shotgun is milled from a single block of steel. The stock and fore grip are comprised of fiberglass-reinforced polymer with a rubber over-molding. This shotgun is a U.S.-made pump-action shotgun. The magazine tube holds 6 less-lethal rounds.</td>
</tr>
</tbody>
</table>

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment

| Purpose(s)/Authorized Use: | A breaching shotgun can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching, and other breaching methods are determined to be ineffective. Shotgun breaching generally needs to be supported by exigent circumstances necessitating immediate access for public safety. |

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment

| Initial cost: | $0 (not owned by MPD) |
| Annual costs: | $0 (not maintained by MPD) |

(4) The legal and procedural rules that govern each authorized use

| Legal: | All applicable State, Federal and Local laws governing police use of force. |
| Procedural: | MPD Policies - 404 (Monterey Peninsula Regional Special Response Unit) |

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy

| Required training: | All MPRSRU members are required to complete an initial POST certified 80 hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually. MPRSRU members train on this piece of equipment 4 hours annually. |
| Other: | The Monterey Police Department participates in the Monterey Peninsula Regional Special Response Unit SWAT Team (MPRSRU). This equipment is registered to the Seaside Police Department and operated by MPRSRU SWAT. While the Monterey Police Department does not own this equipment, it could be used in Monterey by MPRSRU SWAT if they are deployed to an incident within city limits. |
**SECTION TWO - QUALIFYING EQUIPMENT OWNED/UTILIZED BY LAW ENFORCEMENT AGENCIES THE MPD COLLABORATES AND/OR PARTICIPATES WITH AS PART OF THE MPRSRU FOR LAW ENFORCEMENT PURPOSES**

<table>
<thead>
<tr>
<th>AB 481 Category</th>
<th>Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Govt Code §7070(c):</td>
<td>(5)</td>
</tr>
</tbody>
</table>

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment

<table>
<thead>
<tr>
<th>Description:</th>
<th>Workhorse commercial van</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (existing/sought):</td>
<td>0 (owned by collaborating law enforcement agency for MPRSRU SWAT Team)</td>
</tr>
<tr>
<td>Capabilities:</td>
<td>Vehicles modified to facilitate the control and direction of public safety units.</td>
</tr>
<tr>
<td>Expected lifespan:</td>
<td>Unknown</td>
</tr>
<tr>
<td>Manufacturer's description:</td>
<td>Unavailable</td>
</tr>
</tbody>
</table>

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment

<table>
<thead>
<tr>
<th>Purpose(s)/Authorized Use:</th>
<th>Workspace for commanding/supervising personnel during critical incidents. Also utilized for community outreach events such as National Night Out, Public Safety Outreach, etc.</th>
</tr>
</thead>
</table>

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment

<table>
<thead>
<tr>
<th>Initial cost:</th>
<th>$0 (not owned by MPD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual costs:</td>
<td>$0 (not maintained by MPD)</td>
</tr>
</tbody>
</table>

(4) The legal and procedural rules that govern each authorized use

<table>
<thead>
<tr>
<th>Legal:</th>
<th>All applicable State, Federal and Local laws.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedural:</td>
<td>MPD Policies - 404 (Monterey Peninsula Regional Special Response Unit)</td>
</tr>
</tbody>
</table>

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy

<table>
<thead>
<tr>
<th>Required training:</th>
<th>MPRSU SWAT Team provides internal training for staff members prior to allowing them to operate these vehicles. All MPRSU members are required to complete an initial POST certified 80 hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other:</td>
<td>The Monterey Police Department participates in the Monterey Peninsula Regional Special Response Unit SWAT Team (MPRSRU). This equipment is registered to the Seaside Police Department and operated by MPRSRU SWAT. While the Monterey Police Department does not own this equipment, it could be used in Monterey by MPRSRU SWAT if they are deployed to an incident within city limits.</td>
</tr>
<tr>
<td>AB 481 Category</td>
<td>Govt Code §7070(c):</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>(12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray</td>
<td></td>
</tr>
</tbody>
</table>

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment

<table>
<thead>
<tr>
<th>Description</th>
<th>Flashbang grenades, explosive breaching tools, tear gas and pepper balls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (existing/sought)</td>
<td>0 (owned by collaborating law enforcement agency for MPRSRU SWAT Team)</td>
</tr>
<tr>
<td>Capabilities</td>
<td>Capable of breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemical.</td>
</tr>
<tr>
<td>Expected lifespan</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

Manufacturer’s description: Defense Technology® offers a complete range of less lethal products and solutions to law enforcement professionals. A full-line manufacturer, Defense Technology’s premier product lines are grouped into five categories including aerosols, impact munitions, distraction devices, chemical munitions and launchers. We are committed to manufacturing the safest possible products and providing comprehensive training for detectives, patrol and tactical officers.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment

| Purpose(s)/Authorized Use | Breaching doors, gates, windows, and other points of entry, creating explosive distractions, and/or deploying tear gas or pepper chemicals. |

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment

<table>
<thead>
<tr>
<th>Initial cost</th>
<th>$0 (not owned by MPD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual costs</td>
<td>$0 (not maintained by MPD)</td>
</tr>
</tbody>
</table>

(4) The legal and procedural rules that govern each authorized use

<table>
<thead>
<tr>
<th>Legal</th>
<th>All applicable State, Federal and Local laws.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedural</td>
<td>MPD Policies - 404 (Monterey Peninsula Regional Special Response Unit)</td>
</tr>
</tbody>
</table>

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy

<table>
<thead>
<tr>
<th>Required training</th>
<th>All MPRSRU members are required to complete an initial POST certified 80 hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually. MPRSRU members train on this piece of equipment 10 hours annually.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>The Monterey Police Department participates in the Monterey Peninsula Regional Special Response Unit SWAT Team (MPRSRU). This equipment is owned and operated by MPRSRU SWAT. While the Monterey Police Department does not own this equipment, it could be used in Monterey by MPRSRU SWAT if they are deployed to an incident within city limits.</td>
</tr>
</tbody>
</table>
### SECTION TWO - QUALIFYING EQUIPMENT OWNED/UTILIZED BY LAW ENFORCEMENT AGENCIES THE MPD COLLABORATES AND/OR PARTICIPATES WITH AS PART OF THE MPRSRU FOR LAW ENFORCEMENT PURPOSES

<table>
<thead>
<tr>
<th>AB 481 Category</th>
<th>Govt Code §7070(c):</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.</td>
<td></td>
</tr>
</tbody>
</table>

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment:

<table>
<thead>
<tr>
<th>Description</th>
<th>MPRSRU Rescue Vehicle (Lenco Bearcat Armored Vehicle)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (existing/sought)</td>
<td>0 (owned by collaborating law enforcement agency for MPRSRU SWAT Team)</td>
</tr>
<tr>
<td>Capabilities</td>
<td>Capable of transporting personnel and equipment while providing them with armored protection. Also has a breaching apparatus that can be attached.</td>
</tr>
<tr>
<td>Expected lifespan</td>
<td>10 years</td>
</tr>
<tr>
<td>Manufacturer’s description</td>
<td>The Lenco BearCat is the standard tactical armored vehicle for special operations units within the US Law Enforcement community. Since the early 2000s, agencies such as LAPD, LASD SEB, NYPD ESU, Boston PD and hundreds of Federal, State and Local Law Enforcement agencies have made the BearCat part of their standard operating procedure. The Bearcat has excellent on-road driving characteristics and maneuverability in tight urban settings. The large floor plan seats 10 – 12 fully equipped officers.</td>
</tr>
</tbody>
</table>

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment:

| Purpose(s)/Authorized Use | The SRU Rescue Vehicle (Lenco Bearcat Armored Vehicle) is intended for use during critical incidents including, but not limited to: (a) Hostage situations; (b) Barricaded subject incidents; (c) Active shooter situations; (d) High risk arrest and search warrants; (e) Any threat of explosive devices; (f) Other situations where ballistic protection is necessary for the protection of personnel. The SRU Rescue Vehicle will not be deployed for situations such as peaceful protests or demonstrations where violence is not threatened toward the public, property or law enforcement personnel. When deploying the vehicle one must consider how its use or misuse could create fear or distrust in the community and take steps to mitigate those negative effects. The SRU Rescue vehicle may be deployed for exhibition at community based events for the purpose of educating and familiarizing the public with its use and purpose. |

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment:

| Initial cost | $0 (not owned by MPD) |
| Annual costs | $0 (not maintained by MPD) |

(4) The legal and procedural rules that govern each authorized use:

| Legal | All applicable State, Federal and Local laws. |
| Procedural | MPRD Policies - 404 (Monterey Peninsula Regional Special Response Unit) |

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy:

| Required training | The SRU Rescue Vehicle is driven by approved personnel who have received training in the vehicle’s operation. The training includes both classroom and practical driving exercises. Operators also receive scenario based training to include the decision making process as to how it should and should not be deployed. Scenario based training includes constitutional and community policing principles as it relates to SRU Rescue Vehicle deployment. All MPRSRU members are required to complete an initial POST Certified 80 hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually. |
| Other | The Monterey Police Department participates in the Monterey Peninsula Regional Special Response Unit SWAT Team (MPRSRU). This equipment is registered to the Marina Police Department and utilized by MPRSRU SWAT. While the Monterey Police Department does not own this equipment, it could be used in Monterey by MPRSRU SWAT if they are deployed to an incident within city limits. It may also be used in Monterey at community events for educational and familiarization purposes. |
### SECTION TWO - QUALIFYING EQUIPMENT OWNED/UTILIZED BY LAW ENFORCEMENT AGENCIES THE MPD COLLABORATES AND/OR PARTICIPATES WITH AS PART OF THE MPRSRU FOR LAW ENFORCEMENT PURPOSES

<table>
<thead>
<tr>
<th>AB 481 Category</th>
<th>Govt Code §7070(c): (1) Unmanned, remotely piloted, powered aerial or ground vehicles</th>
</tr>
</thead>
</table>

#### (1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment

<table>
<thead>
<tr>
<th>Description:</th>
<th>Unmanned, remotely piloted, powered aerial and ground vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (existing/sought):</td>
<td>0 (owned by collaborating law enforcement agency for MPRSRU SWAT Team and Sheriff’s Bomb Squad)</td>
</tr>
<tr>
<td>Capabilities:</td>
<td>Vehicles are capable of being remotely navigated to provide scene information and intelligence in the form of video and still images transmitted to first responders.</td>
</tr>
<tr>
<td>Expected lifespan:</td>
<td>5 years</td>
</tr>
<tr>
<td>Manufacturer’s description:</td>
<td>Remotely operated land vehicles to support various mission areas such as explosive device remediation, hazardous materials operations, tactical law enforcement operations, search &amp; rescue, and surveillance/detection. Examples include, but are not limited to rovers, scout vehicles, and surveillance platforms. Unmanned Aircraft System (UAS) comprises an unmanned aircraft and the equipment necessary for the safe and efficient operation of that aircraft. The system generally includes a fixed or rotary-wing (tethered or non-tethered) aircraft and a ground control station.</td>
</tr>
</tbody>
</table>

#### (2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment

| Purpose(s)/Authorized Use: | To enhance the safety of potentially dangerous situations by providing first responders with the ability to monitor video feed from vehicle cameras of hazardous areas prior to, or in lieu of, sending in personnel. Remotely piloted ground vehicles may be used to investigate and mitigate potential explosive devices. UAS/Drone/Aerial platforms may be used for search and rescue; suspect apprehension crime scene documentation; tactical operations; scene security; hazard monitoring; identification and mitigation; response to emergency calls; crisis communications; legally authorized surveillance. |

#### (3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment

| Initial cost: | $0 (not owned by MPD) |
| Annual costs: | $0 (not maintained by MPD) |

#### (4) The legal and procedural rules that govern each authorized use

- **Legal:** All applicable State, Federal and Local laws. Any use of UAS/Drone platforms will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.
- **Procedural:** MPD Policies - 404 (Monterey Peninsula Regional Special Response Unit)

#### (5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy

- **Required training:** MPRSRU SWAT Team provides internal training for staff members prior to allowing them to operate the ground vehicle equipment. All MPRSRU members are required to complete an initial POST certified 80 hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually. Prior to piloting any UAS/Drone staff members must secure an FAA Remote Pilot License and complete training required by FAA COA.

- **Other:** The Monterey Police Department participates in the Monterey Peninsula Regional Special Response Unit SWAT Team (MPSRU). The Monterey County Sheriff’s Office also provides the regional explosive mitigation team “bomb squad.” This equipment is owned and operated by MPRSRU SWAT and the Monterey County Sheriff’s Department. While the Monterey Police Department does not own this equipment, it could be used in Monterey by MPRSRU SWAT or the Monterey County Sheriff’s Department if they are deployed to an incident within city limits.
## CITY OF MONTEREY
Monterey, California 93940

APPLICATION FOR PART-TIME / SEASONAL EMPLOYMENT

### PLEASE SUBMIT COMPLETED APPLICATION TO THE HIRING DEPARTMENT ABOVE

**EXACT TITLE OF POSITION YOU ARE APPLYING FOR:**

---

### INSTRUCTIONS

Please read the announcement to determine if you possess the qualifications for the job. Print, using ink or typewriter. Answer all questions accurately and completely. All statements in your application are subject to verification and incorrect or incomplete statements may bar or remove you from employment. Read the Certificate of Applicant in Section 7 carefully before signing. Resumes will not be accepted in place of a completed application. Do not respond to any questions with “See resume.”

### 1. PERSONAL DATA

<table>
<thead>
<tr>
<th>NAME (Last, First, Middle)</th>
<th>Area Code</th>
<th>Home Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address (Number and Street)</td>
<td>Area Code</td>
<td>Work Telephone</td>
</tr>
<tr>
<td>(City, State &amp; Zip)</td>
<td>E-mail address</td>
<td></td>
</tr>
</tbody>
</table>

Do you have a valid Driver’s License?  
☐ YES  ☐ NO

State:  _________  Number:  ____________________  Class:  __________  Expiration Date:  ________________

Enter your date of birth if you are less than 21 years of age.  
____________________

### 2. PHYSICAL CONDITIONS OR LIMITATIONS

**DO YOU HAVE ANY PHYSICAL CONDITION OR LIMITATION THAT WOULD PREVENT YOU FROM PERFORMING ALL THE DUTIES OF THIS POSITION ON A REGULAR AND CONTINUING BASIS?**  
☐ YES  ☐ NO  IF YES, WHAT CAN BE DONE TO ACCOMMODATE YOUR LIMITATION?  PLEASE EXPLAIN IN SECTION 6.

### 3. PREVIOUS CITY EMPLOYMENT AND CURRENT EMPLOYMENT OF A RELATIVE

**A.** Have you previously been employed by the City of Monterey?  
☐ YES  ☐ NO

If you answered “yes”, list dates of employment, classification, department, and any former names, if appropriate, in section 6.

**B.** Are you currently participating in the Public Employees’ Retirement System?  
☐ YES  ☐ NO

**C.** Have you ever participated in the Public Employees’ Retirement System?  
☐ YES  ☐ NO

**D.** List any relatives currently employed by the City of Monterey and their relationship to you:

### 4. EDUCATION and TRAINING

**CIRCLE THE HIGHEST GRADE COMPLETED:**

1  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  MORE

| NAME & LOCATION OF HIGH SCHOOL | Are you a high school grad?  
☐ YES  ☐ NO  
| OR Have you passed the GED?  
☐ YES  ☐ NO |

| Credits Earned |
| Semester - Quarter |
| Degree or Certificate Rec’d. |

Schools attended other than high school  
Location  
Course of Study  
Credits Earned  
Semester - Quarter  
Degree or Certificate Rec’d.  
None  
Type

Please describe additional course work or training (including military) which would qualify you for this position.

Please list certificates or licenses of professional or vocational competence you possess which relate to this position.

Please list languages other than English which you speak fluently:

**SPECIAL SKILLS:**  
Typing  
Wpm  
Shorthand  
Wpm  
Computer Hardware  

What office machines do you operate:

---

An Equal Employment Opportunity Employer
5. WORK EXPERIENCE

You should respond completely to the information requested in this section and attempt to cover all the requirements listed in the job announcement. LIST YOUR MOST RECENT EMPLOYMENT FIRST. Describe different positions held with the same employer in different blocks, showing dates, etc. List all experience, paid and voluntary, related to the position for which you are applying. Additional sheets should be attached to this application when necessary to fully describe related experience, training and education. **DO NOT ENTER “SEE RESUME.”**

<table>
<thead>
<tr>
<th>FROM (MO &amp; YR)</th>
<th>TITLE OF YOUR PRESENT OR MOST RECENT POSITION</th>
<th>ORGANIZATION NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO (MO &amp; YR)</td>
<td>DUTIES PERFORMED</td>
<td>NUMBER AND STREET</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CITY</td>
</tr>
<tr>
<td></td>
<td></td>
<td>STATE</td>
</tr>
<tr>
<td>TOTAL TIME</td>
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6. EXPLANATION OF PREVIOUS ITEMS:

Use this space to provide additional information as required by this application. Attach additional sheets as necessary.

7. CERTIFICATE OF APPLICANT – PLEASE READ CAREFULLY

I certify that the foregoing information and answers are true, complete and correct. I understand that any misrepresentation or omission of material facts are cause for rejection of application, removal from the eligibility list, suspension or dismissal. I hereby authorize the City of Monterey to investigate all statements contained on this application.

SIGNATURE

DATE (Month - Day - Year)

IF APPOINTED TO A CITY JOB, APPLICANTS WILL BE REQUIRED TO SUBMIT PROOF OF IDENTITY AND ELIGIBILITY TO WORK IN THE UNITED STATES. PRIOR TO HIRING, A CANDIDATE WILL BE FINGERPRINTED AND MAY BE MEDICALLY EXAMINED AT CITY EXPENSE. CONVICTION RECORDS WILL BE CHECKED. ALL APPOINTMENTS ARE SUBJECT TO THE SUCCESSFUL COMPLETION OF A PROBATIONARY PERIOD OF SERVICE.
**PLEASE SUBMIT COMPLETED APPLICATION TO THE HIRING DEPARTMENT**

**ETHNICITY (OPTIONAL FOR ALL APPLICANTS)**

In order for the City of Monterey to monitor its progress in Affirmative Action, it is necessary for us to identify each person who applies for a City job by the factors shown below. We ask your help in checking the squares that apply to you, and filling in the blanks so that we can keep statistics on each examination. This section will be detached from the application form, and will be used only for statistics. No decisions in the test process will be based on it.

<table>
<thead>
<tr>
<th>Male</th>
<th>Female</th>
<th>Title of position</th>
<th>Social Security Number</th>
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</table>

**ETHNIC ORIGIN – Please check one of the following:**

1. **Black (not of Hispanic origin)**
   All persons having origin in any of the Black racial groups
2. **White (not of Hispanic origin)**
   All persons having origin in any of the original peoples of Europe, North Africa, the Middle East, or the Indian subcontinent.
3. **Asian or Pacific Islanders**
   All persons having origin in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands
4. **Hispanic**
   All persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin regardless of race.
5. **American Indian or Alaskan Native**
   All persons having origin in any of the original peoples of North America.
6. **Filipino**
   All persons having origin in any of the original peoples of the Philippines Islands.
7. **Handicapped**
   Are you handicapped according to the definition below:
   - **Section 503 of the Rehabilitation Act of 1973** defines a handicapped person as anyone who:
     1. Has a physical or mental impairment which substantially limits her/his major life activities,
     2. Has a record of such impairment, or
     3. Is regarded as having such impairment.

**SURVEY FOR EMPLOYMENT (OPTIONAL FOR ALL APPLICANTS)**

We ask your help in checking the squares that apply to you, and filling in the blanks so that we can keep statistics on each examination. This section will be detached from the application form, and will be used only for statistics. No decisions in the test process will be based on it.

**HOW DID YOU HEAR ABOUT THIS VACANCY?** Please check one of the following:

- City of Monterey website
- Montereybayjobs.com
- Craigslist.com
- Other website (Please Specify)
- Job Interest Card
- Current Employee of the City of Monterey
- Newspaper Ad (Please Specify)
- Other (Please Specify)
Monterey Exposure Control Plan 01-2018.pdf
City of Monterey

Exposure Control Plan

Prepared by

DU-ALL SAFETY

45950 Hotchkiss St. · Fremont, CA 94539 · Tel: (510) 651-8289 · Fax: (510) 651-8937
http://www.du-all.com · E-mail: safety@du-all.com
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Appendices

A  Hep A and B Recommendation by Job Classification
B  Hepatitis B Vaccine Consent/Waiver Form
C  Authorized Labeling
D  Sharps Injury Incident Form
E  Sharps Injury Log
## REVISION HISTORY LOG

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<td>October 2016</td>
<td>All</td>
<td>Du-All Safety</td>
<td>Program Started</td>
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<tr>
<td>April 2017</td>
<td>All</td>
<td>Du-All Safety</td>
<td>Program reviewed and re-drafted</td>
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<tr>
<td>January 2018</td>
<td>All, Appendix B.</td>
<td>City of Monterey</td>
<td>Edited Exposure Control Plan for uniformity across all departments, and updated the Hep A and B consent form.</td>
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<td>January 2018</td>
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<td>Added Hep A &amp; B Job Classifications as Appendix A.</td>
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1.0 SCOPE AND APPLICATION

This Exposure Control Plan applies to all occupational exposures to blood or other potentially infectious materials by employees of the City of Monterey.

Exception: This Plan does not apply to the construction industry. The definition of construction may be found in the City’s Injury and Illness Prevention Program.

The purpose of this Exposure Control Plan is to eliminate or minimize occupational exposure to Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), Human Immunodeficiency Virus (HIV) and other bloodborne pathogens that employees of the City may encounter in their workplace.

The City, through its operating divisions and in accordance with this Exposure Control Plan, has instituted engineering, administrative and work practice controls to eliminate or minimize employee exposure to bloodborne pathogens.

2.0 REFERENCES

a) California Code of Regulations, Title 8, Section 5193 (The Bloodborne Pathogens Standard)

b) California Health & Safety Code Sections 118275 through 118320

3.0 DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>“Biohazardous waste”</td>
<td>See Regulated waste</td>
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<tr>
<td>“Blood”</td>
<td>Human blood, human blood components, and products made from human blood.</td>
</tr>
<tr>
<td>“Bloodborne pathogens”</td>
<td>While HBV and HIV are specifically identified in this plan, the term includes any pathogenic microorganism that is present in human blood or OPIM (defined below) and can infect and cause disease in persons who are exposed to blood containing the pathogen. Pathogenic microorganisms can also cause diseases, but are not limited to: Hepatitis C (HCV), malaria, syphilis, babesiosis, brucellosis, relapsing fever, adult T-cell leukemia/lymphoma and viral hemorrhagic fever.</td>
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<tr>
<td>“Contaminated”</td>
<td>The presence or the reasonably anticipated presence of blood or OPIM on a surface or in or on an item.</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>“Contaminated laundry”</td>
<td>Laundry that has been soiled with blood or OPIM or may contain sharps.</td>
</tr>
<tr>
<td>“Decontamination”</td>
<td>The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.</td>
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<tr>
<td>“Engineering controls”</td>
<td>Controls that isolate or remove the bloodborne pathogens hazard from the workplace.</td>
</tr>
<tr>
<td>“Exposure incident”</td>
<td>A specific eye, mouth, other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials that result from the performance of an employee’s duties.</td>
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<tr>
<td>“Hand-washing facility”</td>
<td>A facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.</td>
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<tr>
<td>“Hepatitis B (HBV)”</td>
<td>Hepatitis B Virus</td>
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<tr>
<td>“HCV”</td>
<td>Hepatitis C Virus</td>
</tr>
<tr>
<td>“HIV”</td>
<td>Human Immunodeficiency Virus</td>
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<tr>
<td>“Occupational Exposure”</td>
<td>Reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties.</td>
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<td>“OPIM”</td>
<td>Other potentially infectious material</td>
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<tr>
<td>“Other potentially infectious materials (OPIM)”</td>
<td>Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, and other body fluid that is visibly contaminated with blood such as saliva or vomitus, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.</td>
</tr>
<tr>
<td>“Personal protective equipment (PPE)”</td>
<td>Specialized clothing or equipment worn or used by an employee for protection against a hazard.</td>
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</table>
**Term** | **Definition**
---|---
“Regulated waste” | Waste that is any of the following:
(1) Liquid or semi-liquid blood or OPIM;
(2) Contaminated items that:
a) Contain liquid or semi-liquid blood, or are caked with dried blood or OPIM; and
b) Are capable of releasing these materials when handled or compressed.
(3) Contaminated sharps.

“Sharps” | Any object used or encountered that can be reasonably anticipated to penetrate the skin or any other part of the body, and to result in an exposure incident, including, but not limited to, needle devices, broken glass, razor blades.

“Sharps Injury” | Any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks.

“Universal precautions” | All human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

“Work Practice Controls” | Controls that reduce the likelihood of exposure by defining the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique and use of patient-handling techniques)

### 4.0 RESPONSIBILITIES

#### 4.1 EXPOSURE CONTROL OFFICER

The Exposure Control Officers are:

Police: Senior Administrative Analyst

Fire: Fire Chief

Library: Library Director

Community Services

Parking: Parking Superintendent
Activities that are delegated to the Exposure Control Officer include, but are not limited to:

a) Overall responsibility for implementing the Exposure Control Plan.
b) Working with management and soliciting the active involvement of employees to develop, administer and update any additional bloodborne pathogen-related policies, procedures and practices needed to support the effective implementation of this Plan.
c) Identifying improvements to this Exposure Control Plan, as needed and revising and updating the plan.
d) Ensuring that there is a suitable reference library on the Bloodborne Pathogens Standard and bloodborne pathogens safety and health information available to employees.
e) Acting as representative during Cal/OSHA inspections.
f) Conducting periodic audits to maintain an up-to-date Exposure Control Plan.
g) Maintaining an up-to-date list of personnel who require training as well as of personnel who have completed training.
h) Update Hepatitis A & B vaccination completion list periodically.

4.2 MANAGERS AND SUPERVISORS

Managers and Supervisors are responsible for exposure control in their respective areas. They work directly with the Exposure Control Officer and other employees to ensure that proper exposure control procedures are followed.

Managers and Supervisors shall determine and implement appropriate written methods and schedules for cleaning and decontamination of the worksite.
4.3  **EMPLOYEES**

Employees are responsible for the execution of most of the Exposure Control Plan. Employees must:

a) Attend the in-person bloodborne pathogens training sessions or complete online.
b) Know and understand which tasks they perform that may involve risk of occupational exposure.
c) Plan and conduct all operations in accordance with the City’s work practice controls.
d) Develop and maintain good personal hygiene habits.

5.0  **EXPOSURE RESPONSE, PREVENTION AND CONTROL**

8 CCR 5193 (c)

5.1  **WORKPLACE EXPOSURE DETERMINATION**

8 CCR 5193 (c)(3)(A)(b)

Cal/OSHA requires employers to perform an exposure determination concerning which employees may incur operational exposure to blood or OPIM, regardless of frequency. Since there is no population that is risk-free for HIV, HBV or other bloodborne disease infection, any employee who has occupational exposure to blood or OPIM will be included within the scope of this standard.

The exposure determination requires employers to identify and document:

a) Job classifications in which all employees have occupational exposure to bloodborne pathogens.

b) Job classifications in which some employees have occupational exposure to bloodborne pathogens. No such classifications or positions have been identified for the City.

5.2  **SHARPS INJURY LOG**

8 CCR 5193 (c)(2)

The City shall establish and maintain a Sharps Injury Log, which is a record of each exposure incident involving a sharp. The exposure incident shall be recorded on the log within fourteen (14) working days of the date the incident is reported to the Exposure Control Officer, Human Resources, Department Manager or Supervisor or the employees’ superior.

An employee who receives an injury due to a sharp should immediately notify his/her Supervisor, who will coordinate medical attention and follow-up (see Section 7.2). Sharps Injury
Incident Forms and Log may be found in Appendices C and D, respectively. (Refer to Section 10.0 for recordkeeping requirements.)

The information recorded shall include the following information:

- a) Date and time of the exposure incident.
- b) Type and brand of sharp involved in the exposure incident.
- c) A description of the exposure incident, which shall include:
  1. Job classification of the exposed employee.
  2. Department or work areas where the exposure incident occurred.
  3. The procedure/activity that the exposed employee was performing at the time of the incident.
  4. How the incident occurred.
  5. The body part involved in the exposure incident.
  6. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated, and whether the injury occurred before the protective mechanism was activated, during activation or after activation, if applicable.
  7. If the sharp had no engineered sharps injury protection, the injured employee’s opinion as to whether and how such a mechanism could have prevented the injury.
  8. The employee’s opinion about whether any engineering, administrative or work practice control could have prevented the injury.
- d) Each exposure incident shall be recorded on the Sharps Injury Log within 14 working days of the date the incident is reported to the employer.
- e) The information in the Sharps Injury Log shall be recorded and maintained in such a manner as to protect the confidentiality of the injured employee.
- f) The Exposure Control Officer will compile and retain an aggregate log.

### 6.0 METHODS OF COMPLIANCE

#### 6.1 UNIVERSAL PRECAUTIONS

8 CCR 5193 (d)(1)

Universal precautions are OSHA’s required methods of control to protect employees from exposure to all human blood or OPIM. The City will observe the practice of universal precautions in order to prevent contact with blood or OPIM.

“*Universal precautions*” refers to the concept that all human blood and other body fluids will be treated as if they are known to be infectious for HBV, HCV, HIV and other bloodborne pathogens.

In circumstances where it is difficult or impossible to differentiate between body fluid types, all body fluids are assumed to be potentially infectious.
6.2 WORK PRACTICE CONTROLS

8 CCR 5193 (d)(2)

The City utilizes several work practice controls to help minimize employee exposure to bloodborne pathogens.

a) Eating, drinking, smoking, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.

b) All procedures involving blood or OPIM shall be performed in such a manner as to minimize spraying, splashing and general spreading of droplets.

c) Contaminated sharps (e.g., needles, razors, broken glass) shall be handled with mechanical means such as pliers, grabbers or broom and dustpan. Collected needles and sharps are to be packaged in the appropriate sharps container. Sharps are never to be picked up with bare or unprotected hands.

d) Because cans, bins, pails, and so forth are intended for reuse and may become contaminated with blood or OPIM because of the manner in which they are used, they must be cleaned immediately or as soon as possible upon visible contamination.

e) Gloves shall be worn whenever an employee may come in contact with blood, OPIM, mucous membranes and non-intact skin, as well as when handling or touching contaminated equipment, items or surfaces. Employees shall make sure that the gloves are not torn before using them and periodically check to ensure their integrity during use. Refer to Section 6.8.4.

f) Any open wounds or cuts of a non-emergency nature should be covered with bandages in order to help avoid contact with blood and/or bodily fluids. Bandages should be changed if they become wet, soiled, or contaminated. Any emergency care should be handled according to first aid training. For additional information regarding first aid response, refer to Section 7.1.2.

g) After coming into contact with blood, bodily fluids, or suspected infectious persons, all employees should thoroughly wash their hands with hot water and germicidal soap as soon as possible. Hand washing should be done even if latex gloves have been worn.

h) To minimize migration of contamination beyond the work area, employees must remove contaminated PPE or clothing before they enter any break or lunchroom. If a garment is contaminated with blood or OPIM, the garment is to be removed immediately. All PPE shall be removed and properly cleaned or disposed in a designated biohazard waste container. Refer to Section 6.8.2.

i) Contaminated areas are to be decontaminated with an appropriate disinfectant (e.g., chlorine bleach) immediately or as soon as possible. The same decontamination procedures apply to mechanical means or tools used for the pick-up or disposal of contaminated objects.
j) Shearing or breaking of contaminated needles and other contaminated sharps is prohibited.

k) Contaminated sharps shall not be bent, recapped, or removed from devices.

l) Sharps that are contaminated with blood or OPIM shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

m) Sharps containers shall not be opened, emptied, or cleaned manually or in any other manner, which would expose employees to the risk of sharps injury.

n) Containers used for collection, storage, transport, or shipping of items exposed to blood or OPIM shall prevent leakage, and shall be of a size to fully enclose the exposed item to be collected.

o) Personnel emptying trash or garbage cans shall either dump the container into a larger container or use mechanical means, rather than pull the trash out by hand, which could lead to being stuck or cut by sharp objects or exposed to blood or other potentially infectious materials.

p) Personnel emptying trash or garbage bags shall not swing the bags over their shoulders.

q) If outside contamination of the primary container occurs, the primary container shall be placed within a second container that prevents leakage during collection, handling, processing, storage, transport, or shipping and is labeled or color-coded to the requirements of this Exposure Control Plan, as described in Section 8.0.

r) If a material, such as a sharp, could puncture the primary container, the primary container shall be placed within a secondary container that is puncture-resistant in addition to the labeling of Section 8.0.

6.3 SHARPS CONTAINERS

8 CCR 5193 (d)(3)(B)

The following protocols must be followed for sharps containers:

a) Immediately or as soon as possible after use, contaminated sharps shall be placed in properly labeled containers.

b) At all times during the use of sharps, containers for contaminated sharps shall be:
   - Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., washrooms).
   - Maintained upright throughout use, where feasible.
   - Replaced as necessary to avoid overfilling.

c) All sharps containers for contaminated sharps shall be:
• Rigid.
• Puncture resistant.
• Leak proof on the sides and bottom.
• Portable, if portability is necessary to ensure easy access by the user.
• Labeled in accordance with Section 8.0.

d) When any container of contaminated sharps is moved from the area of use for the purpose of disposal, the container shall be:

• Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.
• Placed in a secondary container if leakage is possible.

e) The second container shall be:

• Closable.
• Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping.
• Labeled according to Section 8.0

Refer to Section 5.2 regarding requirements for maintaining a sharps injury log.

6.4 DISPOSAL PROCEDURES

8 CCR 5193 (d)(3)(E)2 Disposal of Sharps and 8 CCR 5193 (d)(3)(E)3 Disposal of Other Regulated Wastes

Sharps will be placed in approved containers and taken to the Fire Department (Station 11) for proper disposal.

The City will use a private contractor to dispose of all other biohazardous waste (see Section 8.0) in accordance with their procedures.

6.5 CLEANING AND DECONTAMINATION OF THE WORKSITE AND EQUIPMENT

8 CCR 5193 (d)(3)(H)

Worksites are to be maintained in a clean and sanitary condition.

a) If a supervisor determines that a clean-up of blood or OPIM is too large to appropriately handle or control, then they are directed to contact a third party private cleaning service that is better suited to clean up large amounts of blood and OPIM.
b) Decontamination and housekeeping will be accomplished by utilizing an appropriate disinfectant or solution (e.g. bleach).

c) Contaminated work surfaces and equipment shall be cleaned and decontaminated with an appropriate disinfectant immediately or as soon as feasible when:
   - Surfaces become contaminated.
   - There is a spill of blood or OPIM.
   - Procedures are completed.
   - At the end of the work shift if the surface may have become contaminated since the last cleaning.

d) All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or OPIM shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.

6.6 HYGIENE

8 CCR 5193 (d)(3)(I)

The City provides hand-washing facilities, which are readily accessible to employees. When provision of hand washing facilities is not feasible, employees shall be provided either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.

Employees shall wash their hands immediately or as soon as feasible after removal of gloves or other PPE.

Employees shall wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or OPIM.

6.7 LAUNDRY

8 CCR 5193 (d)(3)(J)

The City will provide, at no charge to the employee, a cleaning service for uniforms that become contaminated with blood or OPIM. The employees, whose personal clothing becomes contaminated, may have their clothing serviced at any one of the following cleaners:

Vapor Cleaners: 1193 10th St, Monterey, CA 93940
Rainbow Cleaners: 269 Bonifacio Pl., Monterey, CA 93940
Del Mar French Cleaners 508 Del Monte Ave., Monterey, CA 93940
The employee may elect to pay for the laundry service using a CalCard, or pay for the services directly and seek reimbursement from the City.

Although some employees may traditionally launder their own uniforms, if the item’s intended function is to act as PPE, then the employer will provide, clean, replace and/or dispose of it.

a) Contaminated laundry shall be handled as little as possible with a minimum of agitation.
b) Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.
c) Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with Section 8.0 of this Plan. When a facility utilizes Universal Precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with Universal Precautions (Section 6.1).
d) Whenever contaminated laundry is wet and presents a reasonable likelihood of soaking through or leaking from the bag or container, the laundry shall be placed and transported in bags or containers that prevent soak-through and/or leakage of fluids to the exterior.

6.8 PERSONAL PROTECTIVE EQUIPMENT

8 CCR 5193 (d)(4)

The City will provide, at no charge to the employee, PPE based upon the potential for occupational exposure. PPE will be considered “appropriate” only if it does not permit blood or OPIM to pass through and reach the employee’s work or street clothes, undergarments and skin, eyes, mouth or other mucous membranes under normal conditions of use and for the duration of time that it will be used. The employer is required to provide PPE in appropriate sizes and accessible locations. The employee is required to use the PPE in accordance with the PPE’s instructions.

The type and amount of PPE must be chosen to protect against contact with blood or OPIM based upon the type of exposure and quantity of these substances reasonably anticipated to be encountered during the performance of a task or procedure. Each employee must inspect all PPE for defects and must immediately repair or replace any defective PPE and notify his/her supervisor.

6.8.1 Usage of PPE

Employees shall use appropriate PPE. Under rare and extraordinary circumstances, in an employee’s professional judgment, the use of PPE may pose an increased hazard. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future. The employer shall encourage employees to report all such
instances without fear of reprisal. This does not relieve the employer of the responsibility to ensure that PPE is readily accessible at all times. The employer must investigate and document why PPE was not used in each case and evaluate the circumstances to reduce the likelihood of a future unprotected incident. Supervisors are to contact the Exposure Control Officer should an employee refuse to use PPE.

6.8.2 Cleaning, Repair and Disposal
The City shall clean, launder, repair or dispose of PPE at no cost to the employee.

6.8.3 Removal
If a garment is penetrated by blood or OPIM, the garment shall be removed immediately or as soon as feasible.

All PPE shall be removed prior to leaving the work area.

When PPE is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

6.8.4 Gloves
Disposable (single use) gloves such as surgical or examination gloves shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

Disinfecting agents may cause deterioration of glove material, which may transport blood or OPIM via undetectable pores to the skin or other mucous membranes. For this reason, disposable (single use) gloves shall not be washed or decontaminated for re-use. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

It should be noted that some petroleum-based hand creams can adversely affect glove integrity. Hand washing requirements must be followed, as described in Section 6.1.

6.8.5 Masks, Eye Protection, Face Shields
Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can reasonably be anticipated.
6.8.6 **Gowns, Aprons, and Other Protective Body Clothing**

Appropriate protective clothing such as, but not limited to, gowns, aprons, rain gear, or similar outer garments shall be worn in potential occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated.

7.0 **HEPATITIS B VACCINATION AND POST-EXPOSURE EVALUATION AND FOLLOW-UP**

7.1 **HEPATITIS B VACCINATION**

8 CCR 5193 (f)

7.1.1 **Employees with Occupational Exposure**

The Hepatitis B vaccination shall be made available to all employees who have occupational exposure after the employee has received the required training and within ten (10) working days of initial assignment, unless the employee has previously received the complete Hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

a) The employer shall not make participation in a prescreening program a prerequisite for receiving Hepatitis B vaccination.

b) The employer shall assure that employees who decline to accept the Hepatitis B vaccination offered by the City sign the statement in Appendix A.

c) If the employee initially declines the Hepatitis B vaccination but at a later date decides to accept the vaccination, the employer shall make the vaccine available at that time at no cost to the employee.

d) If the U.S. Public Health Service recommends a routine booster dose(s) of Hepatitis B vaccine at a future date, such booster dose(s) shall be made available.

e) The employer shall ensure that an accredited laboratory conducts all laboratory tests.

f) The employer shall ensure that all medical evaluations and procedures, including the Hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis, are:
   1. Made available at no cost to the employee.
   2. Made available to the employee at a reasonable time and place.
   3. Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional.
   4. Provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place.
7.1.2 First Aid Responders

First aid providers who have occupational exposure are not required to be offered pre-exposure Hepatitis B vaccine if the following conditions exist:

a) The primary job assignment of the employee is not the rendering of first aid.

b) Any first aid rendered by such persons is rendered only as a collateral duty responding solely to injuries resulting from workplace incidents, generally at the location where the incident occurred.

All first aid incidents involving the presence of blood or OPIM shall be reported to the employer before the end of work shift.

The incident report must include the names of all first aid providers who rendered assistance, regardless of whether PPE was used, and must describe the first aid incident, including time and date. The description must include a determination of whether or not, in addition to the presence of blood or OPIM, an exposure incident, occurred.

The City shall address the provision of the Hepatitis B vaccine to all unvaccinated employees who have rendered assistance in any situation involving the presence of blood or OPIM (regardless of whether an actual exposure incident occurred) and the provision of appropriate post-exposure evaluation, prophylaxis and follow-ups for those employees who experience an exposure incident.

Provision for the full Hepatitis B vaccination series is to be made available as soon as possible, but in no event later than 24 hours, to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood or OPIM regardless of whether or not a specific exposure incident has occurred.

7.2 PROCEDURE FOR POST EXPOSURE INCIDENT INVESTIGATION

8 CCR 5193 (f)(3)(A)

Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

a) The employer shall document the route(s) of exposure, and the circumstances under which the exposure incident occurred.

b) The employer shall identify and document the source individual, unless the employer can establish that identification is infeasible or prohibited by state or local law.

1. The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV, HCV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be
obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

2. When the source individual is already known to be infected with HBV, HCV or HIV, testing for the source individual's known HBV, HCV or HIV status need not be repeated.

3. Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

c) The employer shall provide for collection and testing of the employee's blood for HBV, HCV and HIV serological status.

1. The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.

2. If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

3. Additional collection and testing shall be made available as recommended by the U.S. Public Health Service.

d) The employer shall provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service.

e) The employer shall provide for counseling and evaluation of reported illnesses.

7.3 INFORMATION PROVIDED TO THE HEALTHCARE PROFESSIONAL

8 CCR 5193 (f)(4)

The employer shall ensure that the healthcare professional evaluating an employee after occupational exposure is provided the following:

a) A copy of the Bloodborne Pathogens Standard, which outlines the confidentiality requirements of the health care professional.

b) A written description of the employee’s duties as they relate to the exposure incident.

c) Documentation of the route(s) of exposure and circumstances under which exposure occurred.

d) Results of the source individual’s blood test, if available.

e) All medical records relevant to the appropriate treatment of the employee including vaccination status.

7.4 HEALTHCARE PROFESSIONAL’S WRITTEN OPINION

8 CCR 5193 (f)(5)
The employer shall obtain and provide to the employee a copy of the healthcare professional’s written opinion within fifteen (15) days of completion of the evaluation. The following information shall be included:

a) The healthcare professional’s opinion for HBV vaccination shall be limited to whether HBV vaccination is indicated for an employee, and if the employee has received such vaccination.

b) A statement that the employee has been informed of the results of the evaluation.

c) A statement that the employee has been told about any medical conditions resulting from exposure to blood or OPIM, which require further evaluation or treatment.

All other findings or diagnosis shall remain confidential and will not be included in the written report.

8.0 COMMUNICATION OF HAZARDS TO EMPLOYEES

8 CCR 5193 (g)

The Bloodborne Pathogens Standard uses the term “regulated waste” to refer to the following categories of waste which require special handling, at a minimum: liquid or semi-liquid blood or OPIM; items contaminated with blood or OPIM and which would release these substances in a liquid or semi-liquid state if compressed; items that are caked with dried blood or OPIM and are capable of releasing these materials during handling; contaminated sharps. Regulated waste also may be called biohazardous waste.

Warning labels shall be affixed to containers of regulated waste containing blood or OPIM.

Labels required by this section shall include the following identification:

![Biohazard symbol]

- These labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.
- Labels required by this section shall be either an integral part of the container or affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.
c) Red bags or red containers may be substituted for labels except for sharp containers or regulated waste red bags. Bags used to contain regulated waste shall be color-coded red and shall be labeled in accordance with this section.

d) Labels required for contaminated equipment shall be in accordance with this subsection and shall also state which portions of the equipment remain contaminated.

e) Regulated waste that has been decontaminated need not be labeled or color-coded.

9.0 TRAINING

The City shall ensure that all employees who are potentially at risk of occupational exposure to bloodborne pathogens be properly trained in order to create awareness and minimize exposure. The training program shall contain the following topics:

a) A copy of this Exposure Control Plan and an explanation of its contents.
b) A general explanation of the epidemiology and symptoms of bloodborne illnesses.
c) An explanation of the modes of transmission of bloodborne pathogens.
d) An explanation of the appropriate methods for recognizing tasks and other duties that may involve exposure to blood and OPIM.
e) An explanation of the use and limitations of methods that will prevent or minimize exposure including engineering controls, work practice controls and PPE.
f) Information on the types, proper use, location, removal, handling, decontamination and disposal of PPE.
g) Information on the HBV vaccination.
h) Information on the appropriate actions to take and persons to contact in case of an emergency involving blood or OPIM.
i) Information on the procedures to follow if an exposure incident occurs, including the Sharps Injury Log, reporting the incident and the medical follow-up that will be made available.
j) Information on the post-exposure evaluation and follow-up that the employer is required to provide following an exposure incident.
k) An explanation of the signs and labels used to indicate regulated waste.

The City shall provide or loan, at no charge to the employees receiving training, material that is appropriate in content and vocabulary for the employees’ educational levels, literacy and language(s).

The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the activities and duties of the employees receiving the training. The person conducting the training sessions shall provide opportunity for the employees to ask questions; the training will not be through video alone.
The Exposure Control Officer is responsible for maintaining an up-to-date list of personnel who require training as well as of personnel who have completed training. (Section 4.1).

10.0 RECORDKEEPING

8 CCR 5193 (h)
The employer shall ensure that all records required to be maintained under this section shall be provided upon request for examination and copying to the subject employee, to anyone having written consent, and to Cal/OSHA representatives.

The Sharps Injury Log shall be maintained for a minimum of five (5) years from the date the exposure incident occurred. All supervisors must record all work-related needle sticks and cuts from sharp objects that are contaminated with another person’s blood or OPIM as an injury.

10.1 MEDICAL RECORDS

If the employee is later diagnosed with an infectious bloodborne disease, the identity of the disease must be entered on Cal/OSHA forms as per the Injury and Illness Prevention Program and the classification changed to an illness.

The medical records required by this Plan are to be maintained for at least the duration of the employee’s employment plus thirty (30) years in accordance with Section 3204,

The records shall include the following:

a) The name of the employee.
b) A copy of the employee’s HBV status including the dates of the vaccination and any medical records relative to the employee’s ability to receive the vaccination.
c) A copy of the results of examinations, medical testing and follow-up procedures.
d) The employer’s copy of the healthcare professional’s written opinion.
e) A copy of the information provided to the healthcare professional.

The employer shall ensure that the employee medical records are kept confidential and not disclosed or reported without the employee’s express written consent to any person within or outside the workplace except as required by this Exposure Control Plan or as may be required by law.

10.2 TRAINING RECORDS

Training records shall include the following:

a) The dates, time and location of the training session.
b) The contents or a summary of the training session.
c) The names of training instructors.
d) The names of all employees attending the training.
e) Training records shall be maintained for a minimum of five (5) years from the date on which the training occurred.

11.0 PROCEDURE FOR PROGRAM REVIEW AND EVALUATION

8 CCR 5193 (d)(2)(C)

The City recognizes that it is important to keep the Exposure Control Plan up to date. The review and update must reflect innovations in procedure and technological developments that eliminate or reduce exposure to bloodborne pathogens. A periodic review ensures that the Exposure Control Plan remains current regarding information and scientific knowledge pertaining to bloodborne pathogens.

To ensure this, the plan will be reviewed and updated under the following circumstances:

a) Annually on or before July of each calendar year.
b) Whenever new or modified tasks and procedures which impact occupational exposure of employees are implemented.
c) Whenever employee job functions are revised such that new instances of occupational exposure may occur.
d) Whenever the City establishes new functional positions within their operations that may involve exposure to bloodborne pathogens.

It is the responsibility of the Exposure Control Officer to conducting periodic audits to maintain an up-to-date Exposure Control Plan. (Section 4.1).
APPENDIX A

HEPATITIS A & B RECOMMENDATION BY JOB CLASSIFICATION
### Hepatitis A & B Recommendation by Job Classification

<table>
<thead>
<tr>
<th>Job Classification</th>
<th>Hep A</th>
<th>Hep B</th>
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<tr>
<td>Sports Specialist I</td>
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<tr>
<td>Sports Specialist II</td>
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<tr>
<td>Support Preschool Instructor</td>
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<tr>
<td>Teaching Specialist</td>
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<td>Tot Activity Leader</td>
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<td><strong>Library</strong></td>
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<tr>
<td>Library Assistant I</td>
<td>x</td>
<td></td>
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<tr>
<td>Library Assistant II</td>
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<tr>
<td>Library Assistant III</td>
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<td>Library Page</td>
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<tr>
<td>Office Assistant</td>
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<tr>
<td>Senior Library Page</td>
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<tr>
<td>Snackbar Attendant</td>
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<tr>
<td>Special Services Coordinator</td>
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<tr>
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<tr>
<td><strong>Police</strong></td>
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<td>Community Service Officer</td>
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<td>x</td>
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<tr>
<td>Police Chief</td>
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<td>x</td>
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<tr>
<td>Police Lieutenant</td>
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<td>x</td>
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<td>Police Officer</td>
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<td>x</td>
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<td>Police Officer Trainee</td>
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<tr>
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<td>x</td>
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<td>Notes</td>
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<td><strong>Harbor</strong></td>
<td>Police Services Technician</td>
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<tr>
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<td>Custodian</td>
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<td>Harbor Maint. Craftworker</td>
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<tr>
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<td>Harbor Maintenance Leadworker</td>
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<tr>
<td></td>
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<tr>
<td></td>
<td>Harbor Security Worker</td>
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<td><strong>Conference Center</strong></td>
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<td></td>
<td>Operations Coordinator</td>
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<td></td>
<td>Operations Supervisor</td>
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<td></td>
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<td></td>
<td>Fire Captain</td>
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<td></td>
<td>Fire Chief</td>
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<td></td>
<td>Fire Engineer</td>
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<td></td>
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<td></td>
<td>Fire Inspector II</td>
<td>x</td>
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<tr>
<td></td>
<td>Fire Prevention Technician</td>
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<tr>
<td></td>
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<tr>
<td></td>
<td>Parking Attendant</td>
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<tr>
<td></td>
<td>Parking Controls Technician</td>
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<td>Parking Enforcement Officer</td>
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<td></td>
<td>Parking Enforcement Supervisor</td>
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<td>Parking Facility Worker</td>
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<td>Parking Maintenance Worker</td>
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<td>Parking Revenue Supervisor</td>
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<td>Senior Parking Attendant</td>
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<td>Senior Parking Controls Tech.</td>
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<td>Senior Parking Enfor Officer</td>
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<tr>
<td>Permits and Inspection</td>
<td>Building Plans Examiner</td>
<td>x</td>
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<tr>
<td>------------------------</td>
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<tr>
<td></td>
<td>Building Technician</td>
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<td></td>
<td>Chief Of Inspection Services</td>
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<tr>
<td></td>
<td>Code Compliance Coordinator</td>
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<tr>
<td></td>
<td>Inspector</td>
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<td></td>
<td>Public Works Inspector</td>
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</table>
APPENDIX B

HEPATITIS A & B VACCINE CONSENT/WAIVER FORM
City of Monterey

Hepatitis A & B Vaccination Consent/Waiver Form

Employee Name ______________________
Classification ________________________
Date____________

I have been informed that due to my job classification, I may have occupational exposure to blood or other potentially infectious materials (OPIM), and I may be at risk of acquiring Hepatitis B (HBV) or Hepatitis A. _____ Initial

I have been informed that if I am on a City sponsored insurance plan (CalPERS Select, Choice, Care, HMO Select, PORAC, or other CalPERS plans offered where I reside) or am covered through a group insurance plan, I can get the vaccination at no charge through my insurance by going to my doctor or to UrgencyMed at 10 Harris Ct A, Monterey, CA 93940 (831) 643-9788. _____ Initial

I have also been informed that if I don’t have insurance coverage, I can obtain the vaccinations at no charge at UrgencyMed at 10 Harris Ct A, Monterey, CA 93940 (831) 643-9788. _____ Initial

Based on the information above, I attest to one the following:

1. _____ I choose to receive the Hepatitis B and A (if applicable) and will attend the clinics hosted by the City in collaboration with UrgencyMed.
2. _____ I choose to receive the Hepatitis B and A (if applicable) and will contact my doctor or will contact UrgencyMed to set up my appointment and vaccinations and follow-up testing.
3. _____ I have already had the vaccinations and follow-up testing.
4. _____ I decline the Hepatitis B and A (if applicable) vaccine at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B and Hepatitis A (if applicable), both seriously and potentially fatal diseases. If in the future I continue to have occupational exposure to blood or other potentially infectious materials (OPIM), and I want to be vaccinated, I can receive the vaccines at no charge to me.

By signing this form, I acknowledge that I have read the above information and am informed that I can obtain the Hepatitis B and Hepatitis A (if applicable) at no charge.

Employee (Print)___________________(Signature)________________________________

Employer Representative (Print)_____________________(Signature)____________________

Department Identified Classification At-Risk for: Supervisor Name_____________________
Hepatitis A_____ Hepatitis B_____ Supervisor Signature___________________________
APPENDIX C

AUTHORIZED LABELING
AUTHORIZED LABELING

Or, in the case of regulated waste, the label:

BIOHAZARDOUS WASTE

or

SHARPS WASTE

As described in Health & Safety Code Sections 118275 through 118320

NOTE: These labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.
City of Monterey

SHARPS INJURY INCIDENT FORM

Please complete a log for each employee exposure incident involving a sharp (needle, razor, etc.)

Department

Work Location

Date filled out

By

Phone

Date of Exposure

Time of Day

Location

Explain Exposure Exactly:

<table>
<thead>
<tr>
<th>Job Classification</th>
<th>☐ Electrician</th>
<th>☐ Equipment Operator</th>
<th>☐ Field Supervisor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐ Maintenance Worker</td>
<td>☐ Mechanic</td>
<td>☐ Street Sweeper</td>
</tr>
<tr>
<td></td>
<td>☐ Other:____________________</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Procedure</th>
<th>☐ Injection/puncture</th>
<th>☐ Inspecting sewers</th>
<th>☐ Picking up trash</th>
<th>☐ Cleaning restroom</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐ Sewer repair</td>
<td>☐ Found in work area</td>
<td>☐ Other:____________________</td>
<td></td>
</tr>
</tbody>
</table>

Did the exposure incident occur:

<table>
<thead>
<tr>
<th>☐ After use and before disposal of sharp</th>
<th>☐ Upon finding a sharp in inappropriate place</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ While putting sharp into disposal container</td>
<td>☐ Other:____________________</td>
</tr>
</tbody>
</table>

Body part involved:

<table>
<thead>
<tr>
<th>☐ Finger</th>
<th>☐ Hand</th>
<th>☐ Arm</th>
<th>☐ Head/neck</th>
<th>☐ Torso</th>
<th>☐ Leg</th>
</tr>
</thead>
</table>

Explain:____________________ Other:____________________

Identify sharp involved  Type and brand:____________________

Did device used have engineered sharps injury protection? ☐ Yes  ☐ No  ☐ Don’t know
If yes, was the protective mechanism activated? ☐ Yes  ☐ No  ☐ Don’t know
If yes, did the injury occur: ☐ Before mechanism activation  ☐ During mechanism activation  ☐ After mechanism activation

Exposed employee: Do you have an opinion whether and how a sharps injury protection mechanism could have prevented the injury? ☐ Yes  ☐ No
If “yes,” explain:____________________

Exposed employee: Do you have an opinion whether any other engineering, administrative or work practice control could have prevented the injury? ☐ Yes  ☐ No
If “yes,” explain:____________________
APPENDIX E

SHARPS INJURY LOG
# SHARPS INJURY LOG

<table>
<thead>
<tr>
<th>Department</th>
<th>Date of Exposure</th>
<th>Exposure Location</th>
<th>Classification</th>
<th>Sharp Involved</th>
</tr>
</thead>
</table>
MONTEREY COUNTY CHIEF’S LAW ENFORCEMENT
OFFICER’S ASSOCIATION

Pursuit Protocol

I. Introduction

This protocol/policy has been developed as a recommended model for law enforcement agencies engaging in vehicular pursuits. All pursuits shall be conducted according to applicable laws and sound professional judgement. The policies addressed in this protocol agreement are intended to supplement existing agency policy. However, adoption of the policy will comply with the minimum requirements of California Vehicle Code Section 17004.7, to provide limited immunity from liability for damages caused by the pursued violator or suspected violator of the law.

II. Definitions

1. Pursuit. An event involving one or more law enforcement officers operating patrol vehicles pursuant to Section 21055, California Vehicle Code, and attempting to apprehend a suspect operating a motor vehicle while the suspect is trying to avoid arrest by using highspeed 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 the officer’s signal to stop.

2. Initiating Pursuit Unit. The officer operating an enforcement vehicle who first attempts to stop the pursued vehicle.

3. Primary Pursuit Unit. The officer engaged in a pursuit in close proximity to and immediately followed the suspect vehicle. (May be other than the initiating unit).

4. Secondary Pursuit Unit. An officer operating an enforcement vehicle actively participating in the pursuit.

5. Forcible Stop. A general term meaning the termination of a pursuit through the use of physical force or presence. Includes roadblocks, channelization, ramming, boxing-in, or the use of firearms.

(A) Roadblock. Establishing a physical impediment to traffic as a means of stopping a vehicle using signs, devices, physical obstructions, or barricades.

(B) 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.
Boxing-In. A technique designed to stop a violator’s vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop. (This technique is hazardous to participating officers and should not be utilized if other alternatives are available).

(D) Channelization. A technique similar to a roadblock where objects are placed in the anticipated path of a pursued vehicle which tend to alert its direction. Examples of usable objects include barricades, flarepots, pylons, and vehicles.

6. Supervisor. For the purpose of this policy, a supervisor is an Officer-In-Charge assigned supervisory responsibilities.

7. Unmarked Unit. An authorized emergency vehicle equipped with emergency lights and siren but without standard police identifying markings.

III. POLICY

1. Initiating A Pursuit. A pursuit is initiated when an officer reacts to an individual intending to avoid arrest by using a vehicle to flee. The purpose of information of a pursuit is to apprehend a violator who refuses to voluntarily comply with the law requiring him/her to stop. Unless a greater hazard would result, a pursuit should not be undertaken if the subject(s) can be identified to the point where later apprehension can be accomplished.

2. Supervisory Responsibility. Upon being notified of a pursuit, supervisory personnel will exercise control of the pursuit whenever feasible. Control may be accomplished by engaging in the pursuit or providing directions by phone and/or radio communications. Supervisors will direct the abortion of the pursuit when it is deemed appropriate and will ensure no more than the necessary number of units are involved. Supervisors are responsible to utilize aircraft if available and to effect coordination with allied agencies. Supervisors should proceed to the termination point of the pursuit wherever practicable to provide guidance and supervision.

3. Aborting A Pursuit. An officer shall abort a pursuit when directed by supervisor and should voluntarily abort a pursuit when the risk of continuing outweighs the danger of permitting the subject to escape. Under most circumstances, the officer should abort a pursuit when:

(A) The circumstances of the pursuit present an extreme safety hazard to the public, the officer, or the suspect. (i.e., heavy congestion, school zones, or the officer’s unfamiliarity with the location).
(B) The suspect is identified to the point where later apprehension can be accomplished and continuing the pursuit would only increase the risk to all involved.

© The location of the pursued vehicle is no longer definitely known.

4. **Pursuit Units.** Pursuits should be limited to the minimum amount of police units necessary to conduct the pursuit and apprehend the violator. The number of vehicles actively engaged in the pursuit should be limited to a primary unit and a secondary unit to assist. A supervisory unit may participate in the pursuit as a third unit. Additional units may be specifically authorized by the pursuit supervisor under circumstances that may require additional officers. (i.e., multiple suspects requiring control and apprehension). Primary and secondary units should be from the same agency when practicable. However, an allied agency may provide a secondary unit to a solo primary unit upon request. Officers in other units in the general vicinity of the pursuit will not engage in the pursuit unless requested to participate, but should monitor the progress of the pursuit and be prepared to assist if directed by a supervisor.

5. **Pursuits Into Another Agency’s Jurisdiction.** When a pursuit extends into another agency’s jurisdiction, the responsible supervisor, or the primary unit if a supervisor is not available, shall determine if the pursuit should be assumed by the other agency. The following criteria should be considered:

(A) The distance and speed involved.

(B) The pursuing officer’s possible unfamiliarity with the geographic location.

© The willingness and the capability of the allied agency to take over the pursuit.

If it is determined the conduct of the pursuit should be relinquished to another agency, the request shall be clearly relayed, and confirmation from the assuming agency should be obtained. Requests for allied agency assistance, other than assuming control of the pursuit, should be clearly relayed with specific assistance identified. In the event the pursuit is assumed by an allied agency, the initiating officer and supervisor should proceed at legal speeds to the termination point, if within a reasonable distance, to provide information required for the arrest and prosecution of the violator.

6. **Pursuits From Other Agency’s Jurisdiction.** Participation in an allied agency’s pursuit is appropriate only in response to a specific request for assistance. Mere notification of the existence of a pursuit shall not be construed as a request for
participation. The issue of assistance in the pursuit shall be clarified upon notification of a pursuit in progress. If the pursuing agency requests the pursuit be assumed by another agency, the field supervisor shall determine the degree of multi agency involvement. Upon assumption of another agency’s pursuit, supervisory control will also be assumed and other allied agency units will be canceled by the supervisor or designated primary unit.

7. **Unmarked Patrol Vehicle Pursuits.** A distinctively marked patrol vehicle should take over a pursuit from an unmarked unit as quickly as possible. (This is required for the 2800.1 et sequence CVC to apply). A marked unit should take over from a motorcycle unless circumstances dictate a motorcycle is the safest means of continuing a pursuit.

8. **Aircraft.** The maximum use of any available law enforcement aircraft should be made as quickly as possible. The aircraft will be used to coordinate ground units and it would be an additional unit to authorized active pursuit units.

9. **Forcible Stops.** The decision to attempt to forcibly stop a pursued vehicle shall be based on careful consideration of all facts apparent to the officer. A supervisor’s permission should be obtained prior to initiating a forcible stop. Forcible stops may be initiated only under the following circumstance.

   (A) When the officer has reason to believe that the continued movement of the pursued vehicle would place others in imminent danger or great bodily harm or death and;

   (B) When the apparent risk of harm, to other than the occupants of the pursued vehicle, is so great as to outweigh the apparent risk of harm involved in making the forcible stop and;

© After all other reasonable means of apprehension have been considered and rejected as impractical, such as continue to follow, air support, and/or requesting additional assistance.

(D) An occupied privately-owned vehicle shall not be used to forcibly stop another vehicle.

(E) **Use of Firearms.** Officers may use firearms only as provided in agency policy pertaining to the use of deadly force.
IV. PURSUIT REPORTING

Effective January 1, 1992, the State Legislature enacted SB 185 codified as Section as Section 14602.1 CVC. This legislation directs the California Highway Patrol to compile pursuit statistics and report same to the Legislature upon request. The legislation also directs all state and local law enforcement agencies, including but not limited to city police and county sheriff agencies, to report pursuit data to the Department of California Highway Patrol. The data to be reported includes injuries during pursuits and subsequent arrests, violations initiating pursuit, identity of officers involved, how the pursuit was terminated, and the most serious charge the suspect(s) is arrested for. The California Highway Patrol has developed a report format, CHP 187 form. This form has instructions included on the reverse side.
10300 Vacation and Other Time Off Prior 9201.pdf
I. POLICY

The scheduling of vacation and other time off is governed by the Personnel Rules and Regulations and each Memorandum of Understanding (MOU). It is the policy of this Department to grant vacation and time off in a fair and equitable manner with a minimal impact to the mission of the Department.

II. DEFINITIONS

A. Vacation Time: A benefit afforded all full-time employees of the Department. The rate of vacation accumulation is determined by longevity and the various MOUs between the City and employee groups.

B. Compensatory Time Off (CTO): Time off accumulated in lieu of cash overtime at 1.5 times the hourly rate. CTO is available to non-management members per their respective MOUs. MPA Members may accumulate a maximum of 80 hours CTO; GEM members can accumulate a maximum of 40 hours. CTO not taken by October 31st of any given year will be paid off in cash or may be maintained as CTO leave.

C. Holiday Time: A benefit for working a day recognized as a holiday by the City or when a holiday falls on a regularly scheduled day off.

1. Each holiday equals eight (8) hours of compensation, either cash, time off, or accumulated time, regardless of the hours or shift worked. (NOTE: Unless otherwise specifically assigned, only those personnel assigned to Field Operations and the Records/Detention Section will work on holidays.)

2. A maximum of 80 hours (MPA) – 40 hours (GEM) of holiday time may be accrued and maintained indefinitely.

3. Holiday time in excess of 80 hours (MPA) – 40 hours (GEM) is compensated in cash.

D. Floating Holiday: One full work shift per fiscal year available to all City employees.

E. Priority Vacation: A period of time taken off as a continuous, uninterrupted number of days occurring in succession, based on available vacation leave hours.
F. Secondary Vacation: A period of time taken off, other than priority vacation, consisting of at least one full shift, based on available vacation leave hours.

III. VACATION PROCEDURES

A. Annually, in early-October, the Executive Assistant will prepare a list by seniority in rank of all staff assigned to each division. The list will indicate how many vacation hours each individual earns a year plus how many vacation hours each individual has accrued to date.

B. The list will be posted in the Watch Commanders Office and all employees will be given the opportunity to sign up for vacation time off. Seniority in rank will be followed.

C. The list will be posted in two (2) phases and shall be completed by January 1 of each year.

1. Phase 1 - Priority Vacation
   a. Individuals will be able to sign up, by seniority in rank, only for the number of vacation hours they earn in a given year. This shall be done by submitting a Department time off request (TOR) form.
   b. All personnel in each division will be given the opportunity to sign up for priority vacation before the list moves to phase 2.
   c. Only vacation hours may be used when submitting the TOR however, other leave hours may be substituted for vacation hours if available at the time that priority vacation is taken.

2. Phase 2 - Additional / Secondary sign-up
   a. By seniority in rank, individuals will be given an opportunity to submit a TOR for the remaining accumulated vacation time they have available after phase 1.
   b. Individuals may, during phase 2, attach holiday time, CTO, or other forms of accumulated time off to vacation time.
   c. Only one secondary vacation is permitted; any additional time off requests will not be considered as secondary.

D. Individuals who fail to take advantage of the opportunity to sign up for scheduled vacations forfeit the seniority for this purpose and may take vacation or other time off only during those times when days become available.
IV. CONDITIONS APPLYING TO VACATION TIME

A. Approved vacation time takes precedence over other requests for time off.

B. Vacancies created by vacations will be filled, as needed, by overtime in accordance with the procedures set forth in Directive 89.04 for scheduled absence.

C. Due to staffing requirements, time off on July 4\textsuperscript{th} and December 31\textsuperscript{st} will be approved for priority vacation(s) only.
   
   1. Generally, 8 such vacation requests, from either police officers and/or sergeants, for July 4\textsuperscript{th} and December 31\textsuperscript{st} will be approved. Additionally, the lieutenant in charge of the event will not be allowed vacation or other time off on this date.

   2. After the completion of Phase 1 (priority vacation sign up) all requests will be reviewed by the two Division Deputy Chiefs to ensure that no more than 8 requests for time off on either July 4\textsuperscript{th} or December 31\textsuperscript{st} have been submitted. If more than 8 requests have been made, the 8 most senior employees’ requests will be granted. Those employees whose time off has not been approved will be given another opportunity to sign up for priority vacation before the list moves on to Phase 2 (additional/secondary sign-up).

   3. Nothing in this section precludes any pre-approved time off for either July 4\textsuperscript{th} or December 31\textsuperscript{st} to be canceled if unforeseen staffing requirements arise that would require such action.

V. STAFFING REQUIREMENTS RELATIVE TO REQUESTS FOR TIME OFF

A. In determining how many staff members may be on vacation or other time off at any given time, the following applies to each operating area.

   1. Middle Management – One lieutenant, either patrol or administrative

   2. Patrol

      a. One Sergeant from each platoon.

      b. One Police Officer from each watch of each platoon (Police Officer positions include Traffic and Cat Officers assigned to their respective shifts).

   3. Investigations

      a. Detective Sergeant or Training Sergeant
b. One Detective.

4. Records / Jail
   a. One Police Records Detention Supervisor.
   b. One Senior Police Services Technician or one Police Services Technician.

5. Other Staff
   a. School Resource Officers must conform to MPUSD schedule and take time off during school breaks.
   b. The Training Sergeant position conflicts with the Detective Sergeant. The Traffic Sergeant position conflicts with the two Watch 1 Patrol Sergeants.
   c. The three Operations Administrative Assistant positions conflict; only two at a time may take time off.

VI. OTHER TIME OFF

A. Time off other than that scheduled under Phase 1 and Phase 2 vacation sign-ups may be granted, providing the staffing minimums and conditions set forth in Sections IV and V are maintained. When considering requests to use CTO, FLSA guidelines for granting such requests must also be considered.

B. Conditions Applying to Other Time Off

1. Officers assigned to Patrol are encouraged to use double-up days for scheduling time off, if training is not scheduled.

2. Holiday time and floating holidays may be used only on days when overtime will not have to be scheduled to cover the absence (unless in conjunction with Phase 2 vacation).

3. Vacation may be used on any day that it is available for time off given appropriate minimum staffing requirements.

4. CTO may be used in accordance with FLSA guidelines.

5. Other time off requests do not enjoy the exemption from assigned overtime and court appearances afforded Priority and Secondary Vacations in MPD Directive 89.04 and MPD Directive 05.01 respectively.
C. Exchange Days

1. Employees wanting to take a day off but unable to do so, due to staffing requirements, may, on their own initiative, arrange for an "Exchange Day" with an employee of the same rank/classification to fill the vacancy.

2. Both employees will be required to complete the "Exchange Day" form explaining when the exchange is to occur. Exchanges must take place within the 28 day work cycle for Patrol and 7 day work cycle for Police Services Technicians to avoid conflict with FLSA guidelines.

VII. OVERVIEW

A. The intent of this directive is to provide adequate coverage during planned absences of staff without jeopardizing the mission of the Department and to do so without incurring undue expense to the City. This directive is to be considered a guideline when making decisions on staffing. It is clearly recognized that special circumstances do arise that will not fit this guideline. In those cases, the Division Deputy Chiefs may deviate from this guideline to accommodate a given situation.

B. There are certain events which occur annually in Monterey that require maximum personnel involvement. During those events, vacations and other requests for time off may be denied in order to meet staffing requirements of the event.

TIM SHELBY
Chief of Police

Original: October 1992
PD.Eval.Narrative.pdf
### Overall Performance Assessment
(all “Exceeds Standards” and all “Needs Improvement” ratings require narrative comments/support):

<table>
<thead>
<tr>
<th>Employee:</th>
<th>Assignment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rater:</td>
<td>Rating Period: to</td>
</tr>
</tbody>
</table>

### Disciplinary Actions:
(List any sustained disciplinary actions adjudicated during this rating period).

### Career Development:
(i.e. training received, training desired, professional and personal goals both in the immediate future and long term, career growth opportunities during the rating period).
Employee: ___________________________ Rating Period: ___________________________

Employee’s Signature ________________________________________ Date ____________

Signature indicates only that the evaluation has been reviewed with employee.

Employee Comments Attached? Yes No

Evaluator’s Signature __________________________________________ Date __________

Reviewer’s Comments:__________________________________________

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

Lieutenant/Manager: __________________________ Date __________

Reviewer’s Comments:__________________________________________

____________________________________________________________________
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Assistant Chief: __________________________ Date __________

Reviewer’s Comments:__________________________________________

____________________________________________________________________
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____________________________________________________________________
____________________________________________________________________

Chief of Police: __________________________ Date __________
Monterey County
Child Abuse Response Team Protocol
(CART)

Multi-Disciplinary Team Response
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I. Multi-Disciplinary Team (MDT)

Sally P. Archer Child Advocacy Center and Bates Eldredge Clinic (ACAC)

The ACAC is an accredited member of the National Children’s Alliance and the only child advocacy center (CAC) serving Monterey County. As such, the ACAC is tasked with facilitating the way Monterey County’s Child Abuse Response Team (CART) responds to child sexual assault and abuse as defined in this protocol. The ACAC is intended to provide a child-focused, facility-based program in which MDT members collaborate, coordinate, and facilitate a comprehensive response to child abuse and neglect, conduct forensic interviews, and provide victims and their families/caregivers with access to mental health and advocacy services.

Partner Agencies

CART is comprised of the ACAC, Law Enforcement, Family and Children’s Services, Prosecution, Medical, Mental Health, and Victim Advocacy, each of which plays a vital role in an effective multi-disciplinary response to child abuse and neglect:

- California State University Monterey Bay Police Department
- Carmel Police Department
- Del Rey Oaks Police Department
- Fort Hunter Leggett Police Department
- Gonzales Police Department
- Greenfield Police Department
- King City Police Department
- Marina Police Department
- Monterey County Children’s Behavioral Health
- Monterey County District Attorney’s Office
- Monterey County Family and Children’s Services
- Monterey County Health Department SART
- Monterey County Rape Crisis Center
- Monterey County Sheriff’s Office
- Monterey Police Department
- Natividad Medical Center
- Pacific Grove Police Department
- Presidio of Monterey
- Salinas Police Department
- Sand City Police Department
- Seaside Police Department
- Soledad Police Department

Confidentiality and Information Sharing

Confidential information is defined as case information regarding a family or individual that is shared among MDT members through oral communications or through review of records. The MDT is limited to sharing only information that is relevant and necessary to investigating abuse and coordinating services. Relevant information must be shared across agencies to the full extent allowed by law, in order to prevent, identify or treat child abuse. No further
dissemination of such information shall occur for any purpose outside of the MDT’s objectives.

Training and Professional Development

All MDT partner agencies shall ensure that the agency representatives working within the MDT meet minimum training standards set by the National Children’s Alliance (and outlined in this protocol). ACAC shall provide opportunities for MDT members to participate in trainings as it relates to implementing this protocol.

CART Protocol Review

ACAC along with the District Attorney’s Office shall facilitate annual (OR minimally every 3 years) CART protocol review meetings; in conjunction with the MDT to make necessary updates.

Interagency Memorandum of Cooperation:

Mission Statement

The mission of CART is to establish and promote a coordinated countywide multi-disciplinary approach to investigating crimes of child sexual assault and abuse.

Purpose

The purpose of establishing CART and this protocol is to protect victims of child sexual assault and abuse from further harm and to enhance the investigation and prosecution of offenders.

Goals

The operational goals of CART and the creation of a countywide protocol for the handling of child sexual assault and abuse cases are:

- Respond promptly, with coordination of appropriate agencies and resources, to incidents of known or suspected child sexual assault, neglect, and abuse;

- Lessen the risk of undue emotional trauma to child victims by reducing and limiting the number of victim interviews;

- Coordinate and improve procedures for the timely, thorough and professional gathering of physical evidence from victims of child sexual assault and abuse by trained physicians or nurse examiners in environments that will not add trauma to the victim;

- Enhance the ability of law enforcement agencies to obtain and preserve evidence and successfully prosecute cases without additional physical or mental harm to victims;

- Improve the investigation, documentation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation, by establishing
standards for the persons who will conduct forensic interviews of the victim and by establishing ongoing plans for the training of local professionals in methods that reduce trauma;

- Promote vertical investigation, prosecution, protective services and advocacy in child abuse investigations;
- Involved agencies agree upon standards, annual review and to commit to annual training for staff involved in the investigation of child sexual assault and abuse;
- Involved agencies adopt agreements, policies and review procedures that recognize and implement the aforementioned goals.

**Approval and Adoption**

- WE RECOGNIZE AND SUPPORT the purpose of CART to promote better investigation and prosecution of child sexual assault and to lessen the trauma experience by the victims of these acts.
- WE APPROVE AND ADOPT the terms of the protocol, which we recognize as a living document subject to periodic review and modification by the members, and agree to comply with the terms of the protocol.
- WE AGREE to participate and take an active role in CART.

---

Earl Lawson, Chief of Police  
California State University Monterey Bay PD  
Dated

Paul Tomasi, Chief of Police  
Carmel Police Department  
Dated

Jeff Hoyne, Chief of Police  
Del Rey Oaks Police Department  
Dated

Fort Hunter Leggett Police Department  
Dated

Keith Wise, Chief of Police  
Gonzales Police Department  
Dated

Denise Oglesby, Chief of Police  
Greenfield Police Department  
Dated
Adele Frese, Chief of Police  
Salinas Police Department

Brian Ferrante, Chief of Police  
Sand City Police Department

Abdul Pridgen, Chief of Police  
Seaside Police Department

Eric Sills, Chief of Police  
Soledad Police Department

Dated

Dated

Dated

Dated
II. LAW ENFORCEMENT

STATEMENT OF PURPOSE

It is recognized that patrol officers are likely to be the first to begin the investigation of a suspected child abuse, neglect or sexual assault. The following is provided as a guideline to assist patrol officers and investigators in the investigation of these cases within Monterey County. It is further recognized that there are several differences in investigating suspected child abuse, neglect and sexual assault. Many of the following procedures will be inapplicable to child abuse and neglect.

However, in all cases of child abuse and neglect where a forensic interview is indicated, every effort should be made to conduct forensic interviews at the Sally P. Archer Child Advocacy Center (ACAC) and will be arranged by contacting the Child Abuse Response Team (CART) Coordinator/ACAC Coordinator at (831)769-8682.

Culturally and linguistically specific services will routinely be made available to all victim(s) and non-offending family members.

INVESTIGATIVE PROCEDURES

The law enforcement agency or emergency response social worker who first encounters the child should consult their discipline’s protocol for information on making a joint initial response.

Upon receipt of a suspected child abuse report (i.e., physical, emotional or sexual abuse), the patrol officer or investigator shall make an initial assessment to determine the need for the presence of Family and Children’s Services (FCS) using the following criteria:

1. FCS must be notified in cases involving both intra-familial situations and extra-familial situations when the minor appears to be at continued risk of molest, abuse or neglect due to parent/caretaker inability to protect or unwillingness to believe minor's allegations;

2. FCS must be notified in cases that involve a Commercially Sexually Exploited Child (CSEC). For these cases, please also refer to the Tri-County CSEC MOU/Protocol. (See Appendix E)

3. Out-of-home molest, abuse or neglect cases when the first responder feels immediate crisis counseling or assistance is needed for the family, and;

4. Cases where there is some confusion as to the relationship of the perpetrator to the victim. The intent in responding to these cases is to assess the need for additional services for the minor and family.
The initial brief assessment (below) may include interviews of the reporting party and the victim(s). In those cases where FCS is an interested party in the welfare of the child, it is preferred the assessment interview of the victim(s) be conducted in the presence of both law enforcement and FCS to minimize the number of interviews of the victim(s).

The assessment interviews of sexual assault victim(s) should be limited to the determination of the following:

1. a suspected crime has occurred;
2. jurisdiction;
3. date of offense(s);
4. additional victim and suspect information;
5. safety issues pertaining to the child;
6. if the suspect(s) is a flight risk, the community is at risk OR if it appears evidence may be destroyed and therefore immediate arrest (P.C. 836) is necessary.
   a) If it is determined immediate arrest is necessary, the officer may conduct a more in-depth interview to establish sufficient probable cause for the arrest and filing of a criminal complaint.
   b) If immediate arrest is not indicated the detailed recorded forensic interview will be performed by a child interview specialist at the ACAC.

Assistance or advice from the District Attorney’s office may be obtained prior to proceeding by contacting an attorney or investigator assigned to the Child Sexual Assault Unit. (NOTE: 24/7 availability of advice from the DA’s Office through the on-call DDA)

Interviews of suspected child sexual assault victims should not be conducted by teachers, school counselors, or other non-law enforcement or non-FCS personnel. This practice subjects the child to unnecessary repetitive interviews and additional emotional trauma.

If it is found that the child has military connection, notify Presidio of Monterey (POM) police at (831) 242-7852.

FORENSIC INTERVIEW

LOCATION

All interviews regardless of referring agency should occur at the ACAC located at Natividad Medical Center, 1441 Constitution Blvd., Building 200, Salinas. The entrance is located on Care Lane.

INVESTIGATIVE ASSISTANCE

If the offense is investigated during the normal working hours of the agency’s investigative support personnel, the patrol officer may request an investigator for assistance. The investigative supervisors shall determine the extent of assistance to be provided.

All interviews shall be done at the ACAC by a Child Interview Specialist. Please see below for definition and training requirements of the Child Interview Specialist.
Afterhours Interviews: It is not recommended that nighttime interviews be conducted. There may be, however, some exigent circumstances involving children that require a forensic interview after normal business hours, including weekends and holidays. If the investigating agency does not have a qualified child interview specialist, the following procedures for requesting CART response should be followed:

1. Contact County Communications and request contact with the District Attorney’s Chief Investigator.
2. The Chief Investigator will notify the attorney supervisor of the Sexual Assault Unit and will assign an investigator who qualifies as a Child Interview Specialist to respond to the request.
3. The assigned investigator will contact the CART Coordinator to inform him/her that the interview facility will be accessed and will make a determination about which Child Interview Specialist will be requested to conduct the interview.
4. The CART Coordinator will notify the appropriate members of the CART team for response at the time of the interview.

PRE-INTERVIEW PROCEDURES

During normal working hours, prior to the ACAC interview, the investigating officer should consult with their supervisor, a District Attorney Investigator, a Deputy District Attorney, or the Supervisor of the Sexual Assault Unit for guidance and/or direction. The investigation should not be delayed should no DAs be available.

Prior to the interview, the person designated to conduct the interview shall receive a briefing by the investigating officer as to the circumstances known concerning the allegation.

INTERVIEW PROCEDURES

1. In the event the interview is not observed by the investigating officer but by a different officer and the investigating officer has questions he/she wishes answered, these questions should be written and given to the interviewer at the beginning of the interview. The interview should not be interrupted for these questions.
2. There may be occasions when a follow-up interview is necessary. All subsequent interviews may be conducted at the ACAC.
3. Persons allowed to observe the actual interview shall be limited to the investigating officer and/or agent, FCS or military social worker, members of the Sexual Assault Unit of the District Attorney’s office and the Victim Assistance Advocates of the DA’s Office, Children’s Behavioral Health (CBH) therapist, and medical personnel.

SPECIAL NEEDS VICTIMS

When a child with special needs is encountered by the first responder(s), the responder(s) shall take care to see that any medications or special equipment (such as wheelchairs) the child may need are transported with the child and that arrangements are made for the child to receive whatever medication or special care they need while with the first responders or members of CART.
Information about the special needs of the child should be sought from those familiar with the child. The safety of the child should always be considered first, even at the risk of loss of physical evidence.

For situations involving maltreatment of an adult victim with a cognitive impairment (or disability), investigating officers should consult with their supervisor and/or the District Attorney’s office. A forensic interview with a Child Interview Specialist should be considered on a case-by-case basis.

**MEDICAL EXAMINATION**

The law enforcement agency responsible for the investigation shall make the determination in consultation with the CART Coordinator, ACAC medical provider, and/or on-call SART Team as to the need for a medical examination. This should be done upon having a clear understanding of the facts of the case, the need to secure physical evidence and in consultation with FCS, the medical provider, and District Attorney’s Office.

**ACUTE CASES**

1. The initial assessment will also determine the need for an immediate medical examination of the victim(s). An immediate medical examination should be obtained if alleged penetration of the child's vagina, mouth or anus has occurred within 120 hours, or if the victim describes skin-to-skin contact, pain and/or bleeding, painful urination and/or abdominal pain. This shall be considered an "acute case". The investigating agency should not reject the need for a medical exam without consultation with the ACAC Coordinator, ACAC medical provider or on-call SART team.

2. **Please call the on-call SART team 24 hour answering services at (831) 648-7731. The answering service will then dispatch the on-call nurse to assist in coordinating the appropriate response.**

3. If the offense is investigated between 8:00 a.m. and 4:00 p.m. Monday through Friday, the agency should notify the ACAC Coordinator, who shall contact appropriate Team members and coordinate the appropriate response.

4. The ACAC Coordinator, after conferring with the ACAC medical provider, will schedule an examination.

5. If the Bates-Eldredge Clinic is unable to conduct the examination, the on-call SART examiner will be called out for response for the collection of evidence at Natividad Medical Center (NMC) or Community Hospital of the Monterey Peninsula (CHOMP).

6. The examination will take place at the Bates-Eldredge Clinic following the arrival of the SART examiner at the NMC Emergency Room. If at CHOMP, the victim will be moved to the SART room from the Emergency Room upon arrival of the SART examiner.

   a. Evidence collected by the SART examiner shall be handled per the SART Memorandum of Understanding (MOU) and agency policy.
7. All acute examinations will have at least one follow-up colposcope examination at the Bates-Eldredge Clinic. Acute examinations done at CHOMP by a SART examiner should be referred to the Bates-Eldredge Clinic upon completion for follow-up. Children will be seen for follow-up three days after the acute examination and again ten days later.

8. Law enforcement shall provide information relating to the circumstances of the allegation to medical personnel prior to the sexual assault examination.

9. Agencies and medical personnel must ensure the California Office of Emergency Services (Cal-OES) “Evidence Kit” and accompanying procedure is used for all acute cases. The agency responsible for the investigation is responsible for receiving, preserving, and coordinating laboratory examination of the evidence kit. That agency’s policies and procedures for handling evidence shall be followed in accordance with state laws.

10. The medical examiner will conduct a limited interview of the victim as necessary to conduct the physical examination and evidence collection and complete the appropriate state medical report. Law enforcement may remain at the ACAC or contact the medical provider for information regarding the examination findings following the completion of the examination.

NON-ACUTE CASES

1. A non-acute case is defined as an assault occurring more than 120 hours PRIOR to the report and with no obvious sign of acute injuries or disclosure of pain and/or bleeding by the child.

   a. If a colposcope examination is required as part of an investigation to determine whether a crime has been committed, the ACAC Coordinator should be contacted to schedule an examination. Non-acute cases are not an emergency and should not be taken to emergency rooms. Confer with the ACAC medical provider to determine the need for a non-acute exam.

   b. A non-acute medical examination should be scheduled to rule out the possibility of healed injury, infection or congenital abnormality. A non-acute examination may help clarify details of a disclosure and provide reassurance to the child/adolescent, promoting their overall well-being.

EVIDENCE COLLECTION

The law enforcement agency responsible for the investigation shall adhere to that agency’s policies and procedures for the collection and preservation of evidence. These policies and procedures shall not be less than the standards and practice of the profession.

1. Evidence collected by law enforcement during the course of the investigation shall be retained by the law enforcement agency.
CHILD ABUSE RESPONSE TEAM PROTOCOL (CART)

2. The evidence kit completed by medical personnel shall be relinquished to law enforcement at the conclusion of the medical examination. The evidence kit and paperwork can be secured in a locked cabinet in the Bates-Eldredge Clinic adhering to chain of evidence if the officer is not present at the completion of the examination and may be picked up later.

3. Photographs and DVDs produced by medical personnel conducting the sexual assault examination or physical abuse examination shall be retained by the medical personnel conducting the examination. Medical reports and the CAL-OES forms will be given or faxed to the authorizing agency upon completion. Additional copies may be obtained by the agency authorizing the examination.

DOCUMENTATION

Each agency, (law enforcement, District Attorney, FCS and medical personnel) shall complete the appropriate documentation for each investigation in accordance with that agency’s policies and procedures and those set forth in the Penal Code for such reporting.

1. Law enforcement personnel are encouraged to share their information with medical personnel for the completion of required CAL-OES forms.

2. All forensic interviews conducted at the ACAC shall be recorded.

3. The agency conducting the investigation shall provide a person to operate the recording equipment during the interview.

4. Upon completion of the interviews, one DVD-R becomes the property of the agency conducting the investigation and shall be placed into evidence according to the policies and procedures of that agency.

5. Law enforcement agencies having jurisdiction should provide their own DVD or USB thumb drive for recording the interview.

6. It shall be the responsibility of the investigating officer to document in writing the interview of the child with sufficient detail to permit that officer to testify in any court proceeding.

7. Law Enforcement shall complete the form “CAC Interview” with identifying information of the case while present at the ACAC.

FOLLOW-UP INVESTIGATION

CART will not assume any investigation nor shall it be responsible for follow-up investigation.

It shall be the responsibility of the initiating agency to conduct any further follow-up investigation and submit their findings to the District Attorney’s Office as warranted.
DISSEMINATION OF REPORTS

Each agency producing documents concerning a sexual assault investigation shall be responsible for the timely dissemination of their reports to the appropriate agency.

The dissemination of reports shall be in accordance with department policy and state laws concerning the dissemination of such reports.

Upon completion of a medical examination and report, the ACAC will provide a copy of that report to the appropriate law enforcement agency.

The appropriate law enforcement agency will provide a copy of the medical examination report to the District Attorney’s Sexual Assault Unit.

QUALIFICATIONS OF CHILD INTERVIEW SPECIALIST (CIS)

1. Any law enforcement agency involved in and committed to the CART Protocol may provide members of their staff as Child Interview Specialists for the purposes of this protocol. All Child Interview Specialists must have completed and demonstrated specialized training that includes the following elements: a minimum of 32 hours of instruction and practice; evidence-supported interview protocol; pre- and post-testing that reflects understanding of the principles of legally sound interviewing; content that includes child development, question design, implementation of protocol, dynamics of abuse, disclosure process, cultural competency, and suggestibility; a practice component with a standardized review process; and required reading of current articles specific to the practice of forensic interviewing.

2. In order to continue certification, child interview specialists must demonstrate participation in ongoing education in the field of child sexual assault and abuse and/or forensic interviewing consisting of a minimum of 8 contact hours every 2 years.

3. Child Interview specialists who conduct forensic interviews at the ACAC must participate in a structured peer review process for forensic interviewers a minimum of 2 times per year, as a matter of quality assurance.

4. Please contact the ACAC Coordinator if you have questions about completing such training or determining if already completed training meets these standards. The interview must be conducted by a certified Child Interview Specialist.

5. All staff wishing to be considered a Child Interview Specialist for the purposes of this protocol must provide certification of completion of training to the ACAC Coordinator.

6. All staff wishing to be considered a Child Interview Specialist for the purposes of this protocol must participate in regularly scheduled forensic interview peer review as coordinated by the ACAC.
PAYMENT AUTHORIZATION

1. The agency requesting the sexual assault examination shall be responsible for the cost of said examination (Penal Code Section 13823.95, see Appendix A). No examination shall be conducted without prior written authorization from the law enforcement agency requesting the examination. Authorization shall be made by that person having authority to do so.

   a. Law enforcement should consult with the District Attorney's Office, medical personnel, FCS workers, and/or the CART Coordinator to determine the need for a sexual assault examination.

2. The law enforcement agency having jurisdiction of the investigation shall be responsible for the cost of the medical evidentiary examination. Per Penal Code Section 13823.95, any victim of a sexual assault who seeks a medical evidentiary examination shall be provided with one, regardless of their participation with the criminal justice system.

3. If the criminal complaint is filed by the District Attorney and the District Attorney requests a sexual assault examination, the cost shall be that of the District Attorney's Office.

4. Agencies utilizing the services of SART shall follow the payment guidelines set forth in the Memorandum of Understanding between the law enforcement agencies and the Sexual Assault Response Team (SART).

5. The responsibility for the cost of any non-acute medical examination will be determined on a case-by-case basis, upon consultation with the ACAC medical provider.

6. Upon successful prosecution of the defendant in a criminal case, the DA’s SAU will request reimbursement pursuant to Penal Code Section 1203.1h.
III. FAMILY AND CHILDREN'S SERVICES

STATEMENT OF PURPOSE

The Department of Social Services, Family and Children's Services (FCS) will assess risk to the child and take steps to ensure the protection of the child whether an in-home or out-of-home molest has occurred. FCS must be contacted and should respond in the following cases:

1. Cases involving intra-familial situations

2. Cases where the minor appears to be at continued risk of molest due to parents/caretakers inability to protect or unwillingness to believe minor's allegations;

3. Cases involving a Commercially Sexually Exploited Child (CSEC). Please refer to the Tri-County CSEC Protocol for additional guidance. (See Appendix E)

4. Cases where there is some confusion as to the relationship of the molester to the minor (the intent in responding to these cases is to assess the need for additional services for the minor and family).

5. Out-of-home molest cases when law enforcement as the first responder feels immediate crisis counseling or assistance is needed for the minor and the family. FCS can be contacted and the appropriate response will be determined.
   a. If the report received is clearly an out-of-home situation with protective parents/guardians and there is no further risk of abuse to the child, a cross-report to FCS must be made no later than 36 hours after notice of the incident.

Culturally and linguistically specific services will routinely be made available to all victim(s) and non-offending family members. When such services are necessary for a forensic interview and/or medical examination, services will be coordinated by the ACAC and paid for by the investigating law enforcement agency.

SERVICES PROVIDED

FCS will receive and assign the matter to an Emergency Response Social Worker (ERSW). The referral will be categorized in one of the following ways:
   a. minor is currently at risk of further abuse (Immediate Emergency Response [IER] – 24-hour response time); or
   b. past abuse or moderate risk to the minor (10-day response time); or
   c. does not meet criteria for in-person response (Evaluate Out).

If the referral is such that the ERSW determines the child is at an immediate risk, the referral will be categorized as an IER.
CHILD ABUSE RESPONSE TEAM PROTOCOL (CART)

Referrals should only be evaluated out if it is determined that an in-person response is not required, which could include: the situation occurred out-of-home and the minor is not at continued risk of abuse or neglect.

FCS will utilize the Structured Decision Making (SDM) Hotline Tool in assessing the referral.

If FCS is the first to receive the allegation, the ERSW may be responsible for the initial screening of the allegation. Particularly in cases of child sexual abuse, it is preferred that the assessment interview of the minor(s) be conducted in the presence of both law enforcement and FCS to minimize the number of interviews of the minor(s).

If a joint response is not possible and there is sufficient information to determine the likelihood that child abuse has occurred, the ERSW will attempt to determine the proper jurisdiction where the crime happened and make a verbal cross-report to law enforcement.

If there are any immediate safety concerns for the minor(s) and law enforcement is not present, law enforcement should be asked to respond to the location of the minor(s) to meet the ERSW.

Law enforcement should then proceed with their investigative procedures, including scheduling a forensic interview with the minor(s).

The forensic interview should be conducted by a certified Child Interview Specialist in the presence of both law enforcement and FCS to minimize the number of interviews.

ASSESSMENT

1. The initial assessment of the minor(s) should be limited to determine if abuse or neglect has occurred, immediate medical needs of the minor (injuries obtained during the assault), jurisdiction, safety issues for the child, ability of parents/guardians to protect, additional minors at risk, statute of limitations (when the crime occurred), possible evidence that may be in danger of being destroyed (acute cases - occurring within 120 hours of the assault; non-acute cases more than 120 hours since the assault), risk to the community, and possible flight risk of the suspect.

2. If the initial assessment substantiates that further investigation is warranted, the investigating law enforcement officer and/or agent will arrange for the child to have a detailed interview with a Child Interview Specialist at the ACAC by contacting the Coordinator at (831) 769-8682. A referral for an interview or examination at the ACAC should be made by the investigating officer following a statement by a child or a reasonable suspicion that child abuse has occurred. If there is sufficient knowledge by the reporting party or parent that such abuse has happened, a statement by the child is not necessary in order to make a referral to the ACAC.

3. When a child with special needs is encountered by the ERSW or the investigating officer, they shall take care to see that any medications or special equipment (such as wheelchairs) the child may need are transported with the child. In addition, arrangements should be made for the child to receive whatever medications or special care they need while with the ERSW or investigating officer. Information about the child's special needs should be sought from those familiar with the child at
the scene. The safety of the child should always be considered first, even at the risk of loss of physical evidence.

4. If the child is at imminent risk of further abuse, the ERSW will arrange with law enforcement to facilitate placing the child in protective custody. The ERSW will then ensure the child’s safety through a safety plan or alternate plan. The ERSW will then be responsible for the placement of the child in foster care or with protective family members. If placed, the ERSW will take responsibility for ensuring the child is made available for all subsequent interviews or appointments as needed, including the forensic interview and/or medical examination.

5. If the child is not at risk, the ERSW or investigating officer will contact the ACAC Coordinator to schedule an appointment for the child to be interviewed and coordinate with the family to make the scheduled appointment.

MEDICAL EXAMINATION

1. The ERSW may assist law enforcement, if requested, in arranging for medical examinations based on the needs of the minor. Between the hours of 8 a.m. and 4 p.m., the ACAC Coordinator should be contacted to schedule the appointment at the Bates-Eldredge Clinic, located within the ACAC at Natividad Medical Center.

2. If the case is an acute case (i.e. occurred within the last 120 hours) and the Bates-Eldredge Clinic is unable to conduct the medical examination due to medical provider unavailability, law enforcement should activate SART for the examination and evidence collection. The victim should be transported to the Emergency Department at Natividad Medical Center (NMC) or Community Hospital of the Monterey Peninsula (CHOMP).

3. The investigating agency should not dismiss the need for a medical exam without consultation with either the CART or on-call SART team.

4. In non-acute cases, the ACAC Coordinator will schedule a medical examination at the next available time. Any FCS social worker may refer a minor to the ACAC for medical evaluation if child sexual or physical abuse is suspected. This referral can be made by contacting the ACAC Coordinator during normal business hours.

ADDITIONAL ERSW RESPONSIBILITIES

1. Observe the interview of children involved in these cases, as determined by the members of the team.

2. Coordinate with the team in the assessment and investigation of the case.

3. Collaborate with the Deputy District Attorney, agency investigator, and ACAC medical provider to determine if a medical examination is indicated.

4. Present the social services perspective on the decision to file criminal charges.

5. Based on the finding of the investigation and the recommendations of the other agencies involved, decide if a Welfare and Institutions Code 300 Dependency Petition needs to be filed to protect the child or if the family would be able to protect
the child without any child welfare services or while participating with voluntary Family Maintenance Services.

6. Determine whether the child needs transportation to the follow-up interview at the ACAC or for any medical appointment scheduled at the Bates-Eldredge Clinic. Assist in making arrangements for such transportation if needed. However, the child can only be transported by FCS if they have been placed in protective custody by law enforcement or are declared dependents of Monterey County under Welfare and Institutions Code Section 300. If the child remains in the care of a non-offending parent and that parent is requesting a ride for follow-up appointments, the ERSW may be able to provide or arrange for such transportation.

7. Exchange information with the ERSW of Family and Children’s Services (FCS), medical personnel, investigating agency and members of the DA SAU.

AFTERHOURS PROCEDURES

Afterhours - Standby Social Workers shall follow the protocol as set forth, with minor modifications:

1. If a report of child sexual abuse is made to a Standby Social Worker, the SW and investigating officer will need to obtain the same information as the daytime worker.

2. In addition, the SW and investigating officer will assess the need for an immediate medical examination for the preservation of evidence. If an acute case (see earlier definition), the child should be taken to the Emergency Department located at NMC or CHOMP, where the SART Protocol will be initiated. SART will conduct the medical examination only, collecting forensic evidence of sexual assault and seeing to the immediate medical needs of the minor. Review of the SART examination and/or follow-up examinations will be done by the medical provider at the Bates-Eldredge Clinic as soon as possible. The SW or an advocate from Monterey County Rape Crisis Center (MCRCC) may be present and available to support the minor during the examination. The decision for this medical examination ultimately rests with the investigating officer and his or her agency. The agency requesting the examination will be responsible for the cost of the examination, as required by Penal Code Section 13823.95.

3. If the report involves a non-acute case and it can be determined that the minor is currently safe from further molest, the information can be taken and referred to the daytime staff promptly on the first working day following the report. An appointment for an interview will then be scheduled by contacting the ACAC Coordinator. The non-offending parent should be advised that they will be contacted regarding appointments for interviews and possible medical examinations.
CHILD INTERVIEW SPECIALIST TRAINING REQUIREMENTS

1. SWs wishing to be a Child Interview Specialist for the purposes of this protocol must have completed specialized training that includes the following elements: a minimum of 32 hours instruction and practice; evidence-supported interview protocol; pre- and post-testing that reflects understanding of the principles of legally sound interviewing; content that includes child development, question design, implementation of protocol, dynamics of abuse, disclosure process, cultural competency, and suggestibility; a practice component with a standardized review process; and required reading of current articles specific to the practice of forensic interviewing. SWs will need to provide certification of completion to the ACAC. Please contact the ACAC Coordinator if you have questions about completing such training or determining if already completed training meets these standards.

2. SWs will need to provide certification of the completion of this training to the ACAC Coordinator.

3. All SWs wishing to be a Child Interview Specialist for the purposes of this protocol must participate in regularly scheduled forensic interview peer review as coordinated by the ACAC.
IV. DISTRICT ATTORNEY’S OFFICE

STATEMENT OF PURPOSE

The District Attorney's Office will have responsibility for filing and prosecuting criminal cases when the evidence gathered from the child's interview and/or other supporting evidence is sufficient to support criminal prosecution. The District Attorney's Office will participate in the CART multi-disciplinary interview team process to determine if criminal charges will be filed. The presence of a Deputy District Attorney or Investigator in the observation area assures that the Deputy District Attorney can obtain information about the suitability of the child as a witness without an additional interview of the child.

The District Attorney's Office maintains a child sexual assault unit, including but not limited to four Deputy District Attorneys specifically trained and assigned to felony child sexual assault and physical abuse cases, one District Attorney Investigator III trained as a child sexual assault investigator who is cross-trained as a Child Interview Specialist (CIS), an experienced Victim Assistance Advocate and a unit secretary for clerical support.

To reduce trauma to the child and to enhance prosecution, the District Attorney's Office Child Sexual Assault Unit will handle all felony criminal prosecutions of crimes involving child sexual assault and abuse in a "vertical prosecution" format.

One District Attorney's Office Child Sexual Assault Investigator/Child Interview Specialist (CIS) will be assigned to participate as needed with the CART. He/She will be available to conduct, assist and/or witness the forensic interviews of children in child sexual assault and felony abuse and neglect cases covered by this protocol, particularly when it appears likely that the case will proceed to a request for filing of a criminal complaint.

The SAU DDA will personally/remotely observe or review the recording of the child's interview to reduce the number of interviews of the child, and to assist him/her in assessing the child as a witness.

Culturally and linguistically competent services will routinely be made available to all victim(s) and non-offending family members.

SERVICES PROVIDED

1. Observe the forensic interview of the child for the purpose of obtaining filing information, assessing the competency of the child to be a witness in court and to provide suggestions for follow-up questions during the interview.

2. Consult with law enforcement officers and/or Emergency Response Social Workers (ERSWs) to determine the nature and extent of any supplemental investigation which may be necessary and to determine whether a medical/evidentiary examination is indicated.
3. Assist law enforcement officers with search and arrest warrants and other legal questions that may arise during the investigation stage.

4. Make filing decisions regarding criminal charges against defendants.

5. Exchange information with the ERSW of Family and Children’s Services (FCS), medical personnel and law enforcement agencies.

6. Make available to law enforcement agencies a District Attorney Investigator trained as a Child Interview Specialist (CIS) to conduct the forensic interview of a child as needed. These investigators will also be available as interviewers in cases of child sexual molest, felony physical abuse, felony neglect, homicide and/or when a child is the witness to a serious crime and a CIS is needed to qualify the child as a witness.

7. Make available to law enforcement agencies a District Attorney Victim Assistance Advocate trained and specialized to provide advocacy to victims and families of any crime.

INITIATING CART RESPONSE

1. To request the CART team during regular office hours (8:00 a.m.-4:00 p.m.), please contact the ACAC/Coordinator at (831) 769-8682.

2. Although nighttime interviews are not advisable, there may be some exigent circumstances involving children which require a forensic interview after 4:00 p.m. If the CART Coordinator is not available to call out the District Attorney staff, then the law enforcement agency conducting the investigation may request the on-call Chief Investigator through county communications to request the District Attorney or Investigator assigned to the CART.

PROCEDURES TO CALL OUT DISTRICT ATTORNEY STAFF

1. The law enforcement agency or ERSW that first encounters the child should consult their discipline’s protocol for information on making a joint initial response.

2. If for any reason the CART Coordinator cannot be contacted and a District Attorney staff member is needed during normal business hours, the District Attorney’s Chief Investigator will be contacted.

3. In the event that the CART Coordinator and Chief Investigator are unavailable during normal business hours, the District Attorney’s SAU will be contacted to assist.

4. Afterhours Interviews
   a. Although nighttime interviews are not advisable, there may be some exigent circumstances involving children, which require a forensic interview. If the CART Coordinator is not available to call out the District Attorney staff, then the law enforcement agency conducting the investigation may request the on-call DA Investigator through County Communications to request the DDA or Investigator assigned to the SAU.
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b. The Chief Investigator will notify the attorney supervisor of the SAU and will assign an investigator who qualifies as a Child Interview Specialist to respond to the request.

c. The District Attorney Chief Investigator will contact the District Attorney Victim Witness Program Manager or Program Coordinator in order to provide the victim and non-offending family members with support and advocacy.

d. The assigned investigator will contact the CART Coordinator to inform him/her that the interview facility will be accessed and will make a determination about which Child Interview Specialist will be requested to conduct the interview. The DA Victim Witness Program Manager or Program Coordinator will notify Children’s Behavioral Health (CBH) personnel to coordinate follow-up services during normal business hours.

DISTRICT ATTORNEY’S OFFICE COORDINATION RESPONSIBILITIES:

1. The Attorney Supervisor from the District Attorney’s Office, in conjunction with the ACAC Coordinator will coordinate a yearly meeting, to be held in December of each year, with the designated contacts of all involved agencies for the required periodic review, to include:
   a. the protocol itself;
   b. audit and review of the training procedures described in the protocol; and
   c. planning and arranging for ongoing training for professionals involved in the investigation of child abuse.

2. The annual dissemination (following the annual review process) of the protocol as revised, to all participating or affected agencies.

THE DISTRICT ATTORNEY VICTIM/WITNESS PROGRAM

The District Attorney's Office maintains victim/witness staff at their office in Salinas, and provides victim/witness assistance by appointment in Salinas and King City. These advocates assist with mandated services throughout investigation and prosecution of a criminal case. Some of the services provided and available to victims of crime are crisis intervention, emergency assistance, orientation to the criminal justice system, court support, assistance with submission of California Victim Compensation applications, transportation, restitution, relocation and temporary restraining order information.

A. DA Victim Assistance Advocates (VAA) are a part of the CAC/MDT.
   a. VAAs will attend and participate in MDT case review meetings.
   b. VAAs will share relevant information with the MDT.
   c. VAAs will provide follow-up services to victims of crime and monitor the mental health need of the victim throughout investigation and prosecution of criminal cases.

B. DA VAAs assist victims and families of child sexual assault and abuse with CalVCB assistance, which include access to appropriate trauma-informed mental health assessment and treatment for all victims of crime.
   a. The Victims/Witness Assistance Unit maintain a list of licensed therapists who provide mental health assessment and treat victims of crime.
b. The list of licensed therapists is updated yearly to ensure therapists are current with their license requirement.
c. Licensed therapists treating victims of crime adhere to the ethical and confidentiality requirements in accordance with state and federal laws.
V. SALLY P. ARCHER CHILD ADVOCACY CENTER BATES-ELDREDGE CHILD SEXUAL ABUSE CLINIC

LOCATION

The Sally P. Archer Child Advocacy Center (ACAC) is located at Natividad Medical Center, 1441 Constitution Blvd., Salinas, CA. Housed within the ACAC is the Bates-Eldredge Child Sexual Abuse Clinic. The Child Abuse Response Team (C.A.R.T.) utilizes this facility to conduct forensic interviews and medical-legal examinations of abused children.

Culturally and linguistically specific services will routinely be made available to all victim(s) and non-offending family members.

SERVICES PROVIDED

1. Medical-legal examinations of children where there is suspected or actual sexual abuse that identify and collect evidence to assist in the criminal prosecution of perpetrators of child abuse. The examination consists of an in-depth evaluation using state of the art colposcopy and personnel with specialized training in sexual abuse examinations.

2. Coordination of medical-legal examinations and CART forensic interviews of children victims and/or witnesses reporting allegations of abuse and neglect.

3. Coordination of follow-up services as needed.


5. The ACAC Coordinator may participate in the CART interview as a child interview specialist as needed.

6. The ACAC Coordinator will schedule a monthly case review with involved agencies for the purpose of critiquing procedures and methods used to improve services provided by CART and the multi-disciplinary interview team process.

7. The ACAC will coordinate and facilitate bi-monthly multidisciplinary Suspected Child Abuse and Neglect (SCAN) team meetings to discuss all cases of suspected child abuse and neglect reported within hospitals in Monterey County, as well as discuss any follow-up on forensic interviews that were previously conducted. Team members may include law enforcement, child welfare, mental health, victim advocacy, prosecution, hospital social services, public health, family advocacy SW with FAP, and medical personnel.

   a. All cases discussed will have previously been reported to law enforcement and/or child protective services pursuant to Penal Code Sections 11160,
CHILD ABUSE RESPONSE TEAM PROTOCOL (CART)

11166, and 11166.05. A Suspected Child Abuse Report (SCAR)/SS 8572 form will have already been submitted.

b. Information shared during SCAN meetings and among identified team members will be confidential per California Welfare and Institutions Code Sections 10850.1, 18951, 18961.7, and 18964. A sign-in sheet with a confidentiality statement will be signed by every present MDT agreeing to the terms.

MEDICAL-LEGAL EXAMINATION

The purpose of the forensic medical evaluation is to:

- Ensure the health, safety and well-being of the infant, child, adolescent or adult with developmental disabilities;
- Collect forensic evidence;
- Diagnose, document and address injuries and/or medical conditions resulting from abuse;
- Diagnose, document and address medical conditions unrelated to abuse;
- Differentiate medical findings that are indicative of abuse from those which may be explained by other medical conditions;
- Assess the child for any developmental, emotional or behavioral problems needing further evaluation and treatment and make referrals, as necessary; and
- Reassure and educate the victim(s) and family.

ACUTE CASES

An acute case is defined as involving alleged penetration of a child’s vagina, mouth or anus within 120 hours, or if there is any injury or bleeding, pain on urination, or abdominal pain due to the assault.

1. If the offense is investigated between 8:00 a.m. and 4:00 p.m., Monday through Friday, the agency should call the ACAC Coordinator at (831) 769-8682 for immediate scheduling of a child sexual assault examination.

2. If the Bates-Eldredge Clinic is unable to conduct the examination within the necessary time frame, the ACAC Coordinator will notify law enforcement and request SART activation and notify them of the need for an examination.

3. Review of the SART examination and/or follow-up examinations will be done by the medical provider of the Bates-Eldredge Clinic as soon as possible.

4. If the offense is investigated after hours, SART should be used for the examination.
NON-ACUTE CASES

Non-acute cases are defined as those where the assault occurred more than 120 hours prior to the report being made, with no obvious sign of acute injuries to the child.

1. In non-acute cases, the ACAC Coordinator shall be contacted to schedule an examination if the investigating agency determines a colposcopic examination is required to determine whether a crime has been committed.

2. Non-acute cases should not be taken to the emergency room.

3. In non-acute cases, it is recommended that law enforcement seek medical consultation to determine the need for a non-acute examination. In non-acute cases, medical assessment is normally not a time-sensitive priority unless there is an indication of injury or current infections.

4. Parents may wish to seek medical attention for their children on their own. The agency should inform the parents of the importance of working with the agency to avoid unnecessary examinations and interviews of children. If parents or any victim over age 12 wish for an examination and law enforcement is not authorizing a medical-legal examination, the agency involved in that case should notify the CART Coordinator to schedule an exam at the Bates-Eldredge Clinic. The charge for this exam will not be billed to law enforcement.

PHYSICAL ABUSE AND NEGLECT

A medical evaluation shall occur when there exists an obvious injury or significant concern of injury that may not be immediately evident. Particular attention should be given to young children, especially those under four years of age.

Medical evaluations shall be provided by the victim’s health care provider or by calling on-call pediatric hospitalist at Natividad at (831)809-0645 to discuss specific cases and to provide input as to whether the victim needs to be evaluated in the emergency department or if an evaluation can be done at the ACAC during regular business hours.

COLLECTION AND PRESERVATION OF EVIDENCE IN SEXUAL ASSAULT EXAMINATIONS

1. Medical personnel shall adhere to the evidence collection procedures set forth in Section 13823.11 of the Penal Code (See Appendix A).

2. Upon completion of the sexual assault examination, the evidence kit, clothing or other pertinent evidence shall be relinquished to the law enforcement agency or stored in a secure locked cabinet following chain of custody requirements and released to the officer accordingly.

3. ACAC personnel shall retain in their possession and care all medical reports, photographs, and films produced as a result of the examination. Copies may be obtained by the agency requesting the examination with a signed release form.
LAW ENFORCEMENT RESPONSIBILITIES IN SEXUAL ASSAULT EXAMINATIONS

1. Law Enforcement personnel will be responsible for the signing of authorization of payment for the examination. No examination will be conducted without a signed authorization form on file.

2. Prior to the examination, law enforcement shall advise the examiner of all pertinent information concerning the assault and victim.

3. Law enforcement shall be responsible for documentation of all interviews at the ACAC.

4. Law Enforcement shall take possession of the evidence kit and clothing or other evidence including any Cal-OES form produced with the exception of photos, films, and medical records produced by medical personnel conducting the medical-legal examination.
VI. CHILDREN’S BEHAVIORAL HEALTH

STATEMENT OF PURPOSE

The Department of Children’s Behavioral Health, Monterey County Health Department, is located at various locations in Monterey County. The Child Abuse Response Team (CART) includes Children’s Behavioral Health in the protocol as a necessary element in providing appropriate services to children and families who are brought to the Archer Child Advocacy Center (ACAC) for forensic interviews following allegations of child abuse regardless of ability to pay.

Culturally and linguistically specific services will routinely be made available to all victim(s) and non-offending family members.

SERVICES PROVIDED

Specific staff shall be designated as assigned to the ACAC, Bates-Eldredge Clinic, and CART. Designated providers will meet the following standards:

1. Master’s degree or higher licensed or licensed eligible supervised by a licensed mental health professional.

2. Will demonstrate completion of continuing education in the field of child abuse consisting a minimum of 8 contact hours every 2 years.

3. Clinicians providing mental health services to CAC clients will participate in ongoing clinical supervision and consultation.

4. Will demonstrate completion of 40 hours of training on effective, culturally sensitive and interdisciplinary approaches to the identification, intervention, treatment and prevention of child abuse and maltreatment.

   1. Participate in pre-interview and case discussion to become familiar with family/case dynamics, language, and cross-cultural issues that may affect the outcome of any intervention.

   2. Provide an initial needs assessment of caretaker’s ability to cope and provide support to the victim, in cooperation with other team members.

   3. Provide emotional support and crisis counseling to any non-offending caregiver during or after the forensic interview process to address safety of the child, emotional impact of abuse allegations, risk of future abuse, and issues or distress that allegations may trigger.

   4. If possible, will observe the child interview in progress in order to prepare the family to respond to their child’s needs following the forensic interview.

NOTE: AT NO TIME ARE SUSPECTS ALLOWED AT THE ACAC FOR ANY REASON.
5. Conduct an initial trauma focused risk and safety assessment of youth after the forensic interview is completed.

6. Make a recommendation and identify the follow-up treatment needs of the family.

7. Provide referral services to other sources if eligibility for Specialty Mental Health Services through County Behavioral Health cannot be established.

8. Coordinate follow-up services to ensure access and utilization of therapeutic resources as needed.

9. Consultation with other CART members as requested regarding mental illness or symptomology noted by CART members during contact with children or families to determine the nature and extent of services needed.

10. Exchange information with CART members on an as-needed basis in accordance with state and federal laws regarding client confidentiality.

11. Participate in team meetings, case reviews, and trainings with the other Multi-Disciplinary Team (MDT) members.

12. Participate in the case review of clients seen at the ACAC, providing follow-up information regarding the treatment of children and families seen by Behavioral Health to the extent possible within legal and ethical rules of confidentiality.
VII. MONTEREY COUNTY RAPE CRISIS CENTER

STATEMENT OF PURPOSE

The Monterey County Rape Crisis Center (MCRCC) is a non-profit agency whose mission is to provide ongoing advocacy, support and healing for all victims and survivors of sexual assault, human trafficking and child abuse; and to prevent sexual violence in our community through education.

MCRCC has three offices located in downtown Salinas, downtown Monterey, and a satellite office at California State University, Monterey Bay Personal Growth and Counseling Center. MCRCC offers crisis intervention, advocacy, and therapy services to survivors of sexual violence and their significant others on the 24 hour crisis line and at all three offices. MCRCC also provides advocacy and support services at Natividad Medical Center, Community Hospital of the Monterey Peninsula, police departments, and other public agencies in Monterey County.

SERVICES PROVIDED

1. As part of the Sally P. Archer Child Advocacy Center & Bates-Eldredge Clinic internal protocol, a Certified Sexual Assault Counselor (supervised by MCRCC) will be present to provide advocacy and support to the victim and to their non-offending caregivers and significant others before, during and after forensic interviews and forensic medical examinations, as MCRCC capacity allows.

2. MCRCC will be contacted by the ACAC Coordinator via email or telephone, with as much notice as possible, to provide a Certified Sexual Assault Counselor (hereafter referred to as “advocate”) during all medical-legal examinations performed at the ACAC.

3. During the interview, the advocate will:

   a. Introduce themselves to clients and their families in collaboration with a Behavioral Health therapist;

   b. Identify their role by informing clients and their non-offending caregivers/significant others that they will be with the non-offending caregivers/significant others outside the interview room;

   c. Provide support to the family during the interview;

   d. After the interview, meet with the client and their non-offending caregivers/significant others to provide support, information about services provided by MCRCC, and potential resources;

NOTE: AT NO TIME ARE SUSPECTS ALLOWED AT THE ACAC FOR ANY REASON.
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e. Obtain consent to release information if a Behavioral Health therapist is not present for the interview.

4. During the forensic medical examination, the advocate will:
   a. Provide support to the client and their non-offending non-offending caregivers/significant others;
   b. Inform clients of their rights as victims of a crime;
   c. Offer follow-up and advocacy services to the client and their non-offending non-offending caregivers/significant others.

5. After the interview and/or forensic medical examination, MCRCC will:
   a. Contact the victim/survivor within three business days to offer crisis interventions, counseling, and advocacy services;
   b. Coordinate with Children’s Behavioral Health (CBH) and the DA’s Victims of Crime Unit at bi-weekly meetings for case consultation to ensure that all victims/survivors who are seeking services and who have signed the appropriate release are offered services with CBH, MCRCC and Victims of Crime Unit.

6. MCRCC will participate in multidisciplinary (MDT) meetings and assist the overall Child Abuse Response Team (CART) with coordination of services, policy development and advocacy.

7. MCRCC does not provide translation for medical, legal, or investigative content.
VIII. MULTI-DISCIPLINARY TEAM CASE REVIEW

STATEMENT OF PURPOSE

To review cases handled by the ACAC and MDT in an effort to provide cases as complete and comprehensive as possible for successful prosecution.

1. Case Review meetings are held on the third Monday of every month from 2:00 p.m. to 3:00 p.m. and are scheduled by the ACAC/CART Coordinator. Meetings are facilitated by the District Attorney’s Office.

2. Case Review meetings take place in an available conference room at the District Attorney’s office located in Salinas.

3. Attendees include members of the District Attorney’s Office SAU, which include DDA’s, Investigators and Victim Assistance Advocates, the law enforcement officer, the forensic interviewer, the forensic examiner, the Family and Children’s Services social worker, the Children’s Behavioral Health provider/therapist, Behavioral Health supervisor, a representative from Monterey County Rape Crisis Center, the ACAC Coordinator, and the ACAC medical provider, but is open to all agencies. All attendees are MDT members.

4. Case Selection
   - Any member of the MDT may request a case for review that have not yet progressed to the stage of filing for prosecution;
   - Cases with multiple victims
   - High-profile cases (e.g. school teachers, clergy, coaches, etc.)
   - Cases with cultural concerns
   - Cases from all jurisdictions will be reviewed on a rotational basis

5. The ACAC Coordinator will notify the MDT members involved in each specific case and distribute the agenda with the date, time and location of the meeting to all designated attendees as specified in this protocol.

6. All cases identified for review will be forwarded to the DA’s sexual assault unit (SAU) supervisor, who will remind all participants that information discussed in the meeting is confidential and all participants will be required to sign an MDT confidentiality statement to that effect at each case review meeting to cover the content of that specific meeting. A sign-in sheet with a
CHILD ABUSE RESPONSE TEAM PROTOCOL (CART)

confidentiality statement will be signed by every present MDT agreeing to the terms.

7. Reports from each of the disciplines involved in the case will be discussed and any issues addressed, including each aspect of the progress of the case, such as child protection, dependency issues, the emotional support and treatment needs of the victim and those of the non-offending family members and, if necessary, any relevant cross-cultural issues. The forensic interview and medical evaluation will be reviewed and discussed.

8. Discussions may include the latest research, agency interventions, limitations, identification of service gaps, issues of family dynamics, developmental and/or emotional disabilities, parenting styles and child-rearing practices, gender roles, religious beliefs, socioeconomics and cultural dynamics and behaviors. By bringing together all of the disciplines involved in a case in a strictly confidential and non-threatening, multi-disciplinary setting, a frank and valuable discussion by each team member can occur so that concerns and questions can be addressed.

9. At the completion of the case review, pertinent information derived from case review is provided to the responsible parties. As a result, a comprehensive and cohesive plan will evolve which will incorporate the best strategies to pursue for a successful outcome which may include forwarding the case for prosecution.

10. These recommendations will be communicated during CART Case Review meetings.

11. Regular case review meetings will provide an opportunity for team members to increase understanding of each member’s role. This will foster a strong, cohesive and knowledgeable team for the comprehensive management of child abuse cases in order to maximize the potential for a successful outcome.
IX. CASE TRACKING

STATEMENT OF PURPOSE

To maintain statistics reflecting the outcome of cases brought to the Archer Child Advocacy Center (ACAC) to ensure cases are followed through completion.

MAINTAINING DATA

ACAC shall maintain an electronic, case-tracking database that includes at a minimum the following information:

1. Victim data: age, ethnicity, disability, gender, languages spoken, city of residence and law enforcement jurisdiction
2. Suspect data: identifying information about the offender, including the type of abuse allegation, relationship to the interviewed child, and age
3. Interview data: date of interview, interviewer name, interviewing site, and MDT members present
4. Medical data: date and location of forensic medical exam
5. Case outcomes: dispositions for both dependency and criminal proceedings
6. Family support: services offered, mental health services received, and caregiver satisfaction

INFORMATION PROVIDED AT INTERVIEW

When the child is present at the ACAC, the investigating officer and/or agent completes the CAC Interview form that includes the following information:

- Victim name, age, and language of communication
- Date of birth
- Date of interview
- Non-offending parent/caretaker name, address and contact telephone number
- Suspect name and age
- Relationship of suspect to victim
- Zip code where incident happened
- Investigating law enforcement agency
- Officer or detective involved
- Report number
- Persons observing the interview
- Interviewer’s name
- Outcome of the interview as discussed with the MDT members observing the interview

The CAC Interview form is provided to the ACAC Coordinator, who enters it on NCAtrak, a CAC data tracking system in accordance to NCA Standards.
CASE FOLLOW-UP AND DATA SHARING

1. As the cases progress, the investigating agency is requested to provide the following information:
   - Suspect name
   - Case number
   - Victim name (or additional names if more victims have been identified)
   - If the case was sent to the District Attorney
   - If the case was not sent to the District Attorney, the reason why
   - If the case was accepted or rejected by the District Attorney
   - If rejected, the reason why

2. On a quarterly basis, the ACAC Coordinator will contact the investigating agency involved in each case to obtain an update on the progress of the case. This request includes the following identifying information:
   - Status of the investigation
   - Charges recommended
   - Date sent to the DA
   - Date closed due to lack of information

3. All of the information received will be added to NCAtrak.

4. If the case has been accepted for prosecution by the District Attorney, that office will be requested to provide the following information:
   - The name of the Deputy District Attorney assigned
   - Charges filed
   - If the case is still pending
   - Whether the suspect pled and to what charges
   - Whether there was a court or jury trial
   - The outcome of that trial
   - The sentence date

5. In addition to this information, data will be gathered from the Behavioral Health therapist(s) assigned to the ACAC. The data will include if the child is participating in therapy and the name of the therapist. This data will be entered into NCATrak.

6. All MDT members have access to NCATrak information by contacting the ACAC Coordinator.

7. Case Tracking data will be summarized on an annual basis in the format recommended by NCA.
X. PROGRAM EVALUATION

1. MDT Assessment
   a. ACAC shall administer MDT surveys to allow opportunity to provide regular feedback regarding ACAC and MDT operations, address operational, administrative and inter-agency issues.

2. Client Services
   a. ACAC shall evaluate client services through use of an in-person exit survey administered to the family/caregiver and 3 months after the initial visit to the center.

3. Quarterly Progress Reports
   a. On a quarterly basis, ACAC shall prepare and provide aggregate case and demographic information - including referrals (totals, and referrals by jurisdiction and by discipline), the age and sex of the child, and type of abuse – and MDT goals, objectives and corresponding benchmarks to the CAPC-QA committee.
APPENDIX A

LAW

11165.9 PC Child Protective Agency

As used in this article, “child protective agency” means a police or sheriff’s department, a county probation department, or a county welfare department. It does not include a school district police or security department.

1203.1h PC Court Ordered Payments of Medical Exam by Defendant

(a) In addition to any other costs which a court is authorized to require a defendant to pay, upon conviction of any offense involving child abuse or neglect, the court may require that the defendant pay to a law enforcement agency incurring the cost, the cost of any medical examinations conducted on the victim in order to determine the nature or extent of the abuse or neglect. If the court determines that the defendant has the ability to pay all or part of the medical examination costs, the court may set the amount to be reimbursed and order the defendant to pay that sum to the law enforcement agency in the manner in which the court believes reasonable and compatible with the defendant’s financial ability. In making a determination of whether a defendant has the ability to pay, the court shall take into account the amount of any fine imposed upon the defendant and any amount the defendant has been ordered to pay in restitution.

(b) In addition to any other costs which a court is authorized to require a defendant to pay, upon conviction of any offense involving sexual assault or attempted sexual assault, including child molestation, the court may require that the defendant pay, to the law enforcement agency, county, or local governmental agency incurring the cost, the cost of any medical examinations conducted on the victim for the collection and preservation of evidence. If the court determines that the defendant has the ability to pay all or part of the cost of the medical examination, the court may set the amount to be reimbursed and order the defendant to pay that sum to the law enforcement agency, county, or local governmental agency, in the manner in which the court believes reasonable and compatible with the defendant’s financial ability. In making the determination of whether a defendant has the ability to pay, the court shall take into account the amount of any fine imposed upon the defendant and any amount the defendant has been ordered to pay in restitution. In no event shall a court penalize an indigent defendant by imposing an additional period of imprisonment in lieu of payment.
CHILD ABUSE RESPONSE TEAM PROTOCOL (CART)

13823.95 PC  Sexual Assault victims; examinations to gather evidence for prosecution; costs

No costs incurred by a qualified health care professional, hospital, or other emergency medical facility for the examination of the victim of a sexual assault, as described in the protocol developed pursuant to Section 13823.5, when the examination is performed, pursuant to Sections 13823.5 and 13823.7, for the purposes of gathering evidence for possible prosecution, shall be charged directly or indirectly to the victim of the assault. Those costs shall be treated as local costs and charged to the local government agency in whose jurisdiction the alleged offense was committed.

Bills for these costs shall be submitted to the law enforcement agency in the jurisdiction in which the alleged offense was committed which requests the examination.

13823.11 PC  Sexual assault victim examination and treatment; minimum standards; preservation and disposition of evidence (updated 2/2012)

The minimum standards for the examination and treatment of victims of sexual assault or attempted sexual assault, including child molestation and the collection and preservation of evidence therefrom include all of the following:

(a) Law enforcement authorities shall be notified.

(b) In conducting the physical examination, the outline indicated in the form adopted pursuant to subdivision (c) of Section 13823.5 shall be followed.

(c) Consent for a physical examination, treatment, and collection of evidence shall be obtained.

(1) Consent to an examination for evidence of sexual assault shall be obtained prior to the examination of a victim of sexual assault and shall include separate written documentation of consent to each of the following:

(A) Examination for the presence of injuries sustained as a result of the assault.

(B) Examination for evidence of sexual assault and collection of physical evidence.

(C) Photographs of injuries.

(2) Consent to treatment shall be obtained in accordance with usual hospital policy.

(3) A victim of sexual assault shall be informed that he or she may refuse to consent to an examination for evidence of sexual
assault, including the collection of physical evidence, but that a refusal is not a ground for denial of treatment of injuries and for possible pregnancy and sexually transmitted diseases, if the person wishes to obtain treatment and consents thereto.

(4) Pursuant to Chapter 3 (commencing with Section 6920) of Part 4 of Division 11 of the Family Code, a minor may consent to hospital, medical, and surgical care related to a sexual assault without the consent of a parent or guardian.

(5) In cases of known or suspected child abuse, the consent of the parents or legal guardian is not required. In the case of suspected child abuse and nonconsenting parents, the consent of the local agency providing child protective services or the local law enforcement agency shall be obtained. Local procedures regarding obtaining consent for the examination and treatment of, and the collection of evidence from, children from child protective authorities shall be followed.

(d) A history of sexual assault shall be taken. The history obtained in conjunction with the examination for evidence of sexual assault shall follow the outline of the form established pursuant to subdivision (c) of Section 13823.5 and shall include all of the following:

(1) A history of the circumstances of the assault.

(2) For a child, any previous history of child sexual abuse and an explanation of injuries, if different from that given by parent or person accompanying the child.

(3) Physical injuries reported.

(4) Sexual acts reported, whether or not ejaculation is suspected, and whether or not a condom or lubricant was used.

(5) Record of relevant medical history.

(e) (1) If indicated by the history of contact, a female victim of sexual assault shall be provided with the option of postcoital contraception by a physician or other health care provider.

(2) Postcoital contraception shall be dispensed by a physician or other health care provider upon the request of the victim.

(f) Each adult and minor victim of sexual assault who consents to a medical examination for collection of evidentiary material shall have a physical examination which includes, but is not limited to, all of the following:

(1) Inspection of the clothing, body, and external genitalia for injuries and foreign materials.
(2) Examination of the mouth, vagina, cervix, penis, anus, and rectum, as indicated.

(3) Documentation of injuries and evidence collected.

Prepubertal children shall not have internal vaginal or anal examinations unless absolutely necessary. This does not preclude careful collection of evidence using a swab.

(g) The collection of physical evidence shall conform to the following procedures:

(1) Each victim of sexual assault who consents to an examination for collection of evidence shall have the following items of evidence collected, except where he or she specifically objects:

   (A) Clothing worn during the assault.

   (B) Foreign materials revealed by an examination of the clothing, body, external genitalia, and pubic hair combings.

   (C) Swabs and slides from the mouth, vagina, rectum, and penis, as indicated, to determine the presence or absence of sperm and sperm motility, and for genetic marker typing.

   (D) If indicated by the history of contact, the victim's urine and blood sample, for toxicology purposes, to determine if drugs or alcohol were used in connection with the assault. Toxicology results obtained pursuant to this paragraph shall not be admissible in any criminal or civil action or proceeding against any victim who consents to the collection of physical evidence pursuant to this paragraph. Except for purposes of prosecuting or defending the crime or crimes necessitating the examination specified by this section, any toxicology results obtained pursuant to this paragraph shall be kept confidential, may not be further disclosed, and shall not be required to be disclosed by the victim for any purpose not specified in this paragraph. The victim shall specifically be informed of the immunity and confidentiality safeguards provided herein.

(2) Each victim of sexual assault who consents to an examination for the collection of evidence shall have reference specimens taken, except when he or she specifically objects thereto. A reference specimen is a standard from which to obtain baseline information (for example: pubic and head hair, blood,
and saliva for genetic marker typing). These specimens shall be taken in accordance with the standards of the local criminalistics laboratory.

(3) A baseline gonorrhea culture, and syphilis serology, shall be taken, if indicated by the history of contact. Specimens for a pregnancy test shall be taken, if indicated by the history of contact.

(4) (A) If indicated by the history of contact, a female victim of sexual assault shall be provided with the option of postcoital contraception by a physician or other health care provider.

(B) Postcoital contraception shall be dispensed by a physician or other health care provider upon the request of the victim.

(h) Preservation and disposition of physical evidence shall conform to the following procedures:

(1) All swabs and slides shall be air-dried prior to packaging.

(2) All items of evidence including laboratory specimens shall be clearly labeled as to the identity of the source and the identity of the person collecting them.

(3) The evidence shall have a form attached which documents its chain of custody and shall be properly sealed.

(4) The evidence shall be turned over to the proper law enforcement agency.
GLOSSARY OF TERMS AND ABBREVIATIONS

Archer Child Advocacy Center (ACAC): Located at Natividad Medical Center, this facility has an interview room that is equipped with equipment for the recording of interviews. It provides an observation room, office for clinic staff, doctor workstation, family waiting room, and officer work area. The ACAC also houses the Bates-Eldredge Clinic.

Bates-Eldredge Clinic: Name of the clinic designed and equipped to conduct medical-legal examinations of sexual assault victims. It has medical professionals specially trained to conduct evidentiary examinations of child sexual assault victims. The Bates-Eldredge Clinic is located in the Sally P. Archer Child Advocacy Center located at Natividad Medical Center. The clinic operates during normal business hours.

Cal-OES: California Office of Emergency Services

CAPC: Monterey County Child Abuse Prevention Council

CART: The Child Abuse Response Team of Monterey County

CBH: Children’s Behavioral Health

CHOMP: The Community Hospital of the Monterey Peninsula

CIS: Child Interview Specialist. For the purposes of this protocol, this is any law enforcement officer, emergency response social worker and/or medical social worker who has received special training in the multidisciplinary interview team process as related to child victims as described in the minimum standards and training of this protocol.

FCS: Family and Children’s Services, formerly Child Protective Services (CPS), a branch within the Monterey County Department of Social Services

DSS: Monterey County Department of Social Services

ERSW: Emergency Response Social Worker, a FCS social worker who responds (or assists) to assess the protection needs of children

IER: Immediate Emergency Response from FCS

MDIT: Multi-Disciplinary Interview Team

MDT: Multi-Disciplinary Team

NMC: Natividad Medical Center. The county hospital located at 1441 Constitution Blvd. in the city of Salinas

MCRCC: Monterey County Rape Crisis Center

SART: Sexual Assault Response Team - The name of a group of medical examiners specially trained to conduct evidentiary examinations of adult sexual assault victims. S.A.R.T
examiners are on call to provide 24-hour service. Under circumstances described in this protocol, they may perform examinations of children under the age of 13 years. They will respond to NMC or CHOMP.

SAU: Sexual Assault Unit

SW: Social worker

VOC: Victims of Crime
CHILD ABUSE RESPONSE TEAM PROTOCOL (CART)

APPENDIX C

RESOURCE LIST

<table>
<thead>
<tr>
<th>Organization</th>
<th>PHONE</th>
<th>FAX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sally P. Archer Child Advocacy Center &amp; Bates-Eldredge Clinic</td>
<td>769-8682</td>
<td>796-1600</td>
</tr>
<tr>
<td>Monterey County Behavioral Health</td>
<td>796-1500</td>
<td></td>
</tr>
<tr>
<td>Monterey County District Attorney’s Office</td>
<td>755-5070</td>
<td></td>
</tr>
<tr>
<td><strong>Sexual Assault Unit (SAU)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistant DA Chuck Olvis</td>
<td>755-5216</td>
<td><a href="mailto:olvisc@co.monterey.ca.us">olvisc@co.monterey.ca.us</a></td>
</tr>
<tr>
<td>Deputy DA Elaine McCleaf</td>
<td>755-5246</td>
<td><a href="mailto:mccleafe@co.monterey.ca.us">mccleafe@co.monterey.ca.us</a></td>
</tr>
<tr>
<td>Deputy DA Greg Peterson</td>
<td>755-5846</td>
<td><a href="mailto:petersong@co.monterey.ca.us">petersong@co.monterey.ca.us</a></td>
</tr>
<tr>
<td>Deputy DA Chris Puck</td>
<td>755-5865</td>
<td><a href="mailto:puckcr@co.monterey.ca.us">puckcr@co.monterey.ca.us</a></td>
</tr>
<tr>
<td>Deputy DA Lana Nassoura</td>
<td>755-5255</td>
<td><a href="mailto:nassoural@co.monterey.ca.us">nassoural@co.monterey.ca.us</a></td>
</tr>
<tr>
<td>Chief Investigator Ryan McGuirk</td>
<td>796-6055</td>
<td><a href="mailto:mcguirkri@co.monterey.ca.us">mcguirkri@co.monterey.ca.us</a></td>
</tr>
<tr>
<td>DA Captain Jorge Ramirez</td>
<td>755-5256</td>
<td><a href="mailto:ramirezj7@co.monterey.ca.us">ramirezj7@co.monterey.ca.us</a></td>
</tr>
<tr>
<td>DA Investigator Oliver Minnig</td>
<td>784-5648</td>
<td><a href="mailto:minnigo1@co.monterey.ca.us">minnigo1@co.monterey.ca.us</a></td>
</tr>
<tr>
<td>DA Investigator Terri Edwards</td>
<td>784-5636</td>
<td><a href="mailto:edwardst@co.monterey.ca.us">edwardst@co.monterey.ca.us</a></td>
</tr>
<tr>
<td>V/W Program Manager Pam Patterson</td>
<td>755-5326</td>
<td><a href="mailto:pattersonp@co.monterey.us">pattersonp@co.monterey.us</a></td>
</tr>
<tr>
<td>V/W Program Coordinator Alma Sanchez</td>
<td>796-6413</td>
<td><a href="mailto:sancheza@co.monterey.us">sancheza@co.monterey.us</a></td>
</tr>
<tr>
<td>Monterey County Sheriff's Department</td>
<td></td>
<td>755-3772</td>
</tr>
<tr>
<td>Domestic Violence/Sexual Assault Unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monterey County Family and Children’s Services Hotline</td>
<td>755-4661</td>
<td></td>
</tr>
<tr>
<td>Monterey County Rape Crisis Center</td>
<td></td>
<td>771-0411</td>
</tr>
<tr>
<td>Crisis Lines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monterey</td>
<td>373-3955</td>
<td></td>
</tr>
<tr>
<td>Salinas</td>
<td>771-0411</td>
<td></td>
</tr>
<tr>
<td>Monterey</td>
<td>375-4357</td>
<td></td>
</tr>
<tr>
<td>Salinas</td>
<td>424-4357</td>
<td></td>
</tr>
</tbody>
</table>

SART: Call County Communications for SART nurse (acute cases only and when Bates-Eldredge medical provider is not available)

| Sheree Goldman, SART Coordinator / SART on call | 648-7731    |

Updated 07/2019
## APPENDIX D

### STRUCTURED DECISION MAKING (SDM) HOTLINE TOOL UTILIZED BY FAMILY AND CHILDREN'S SERVICES FOR ASSESSING REFERRALS

#### CALIFORNIA

<table>
<thead>
<tr>
<th>COUNTY NAME</th>
<th>REFERRAL #:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Referral Name</th>
<th>Date:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Worker Name</th>
<th>Worker ID#:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### SDM® FAMILY RISK ASSESSMENT

<table>
<thead>
<tr>
<th>PRIOR INVESTIGATIONS</th>
<th>Neglect</th>
<th>Abuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Prior neglect investigations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. No prior neglect investigations</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>b. One prior neglect investigation</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>c. Two prior neglect investigations</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>d. Three or more prior neglect investigations</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 2. Prior abuse investigations |         |       |
| a. No prior abuse investigations | 0       | 0     |
| b. One prior abuse investigation | 1       | 1     |
| c. Two prior abuse investigations | 1       | 1     |
| d. Three or more prior abuse investigations | 1       | 2     |

| 3. Household has previous or current open ongoing CPS case (voluntary/court ordered) |         |       |
| a. No | 0 | 0 |
| b. Yes, but not open at the time of this referral | 1 | 1 |
| c. Yes, household has open CPS case at the time of this referral | 2 | 2 |

| 4. Prior physical injury to a child resulting from child abuse/neglect or prior substantiated physical abuse of a child |         |       |
| a. None/not applicable | 0 | 0 |
| b. One or more apply (mark off applicable) (Prior physical injury to a child resulting from child abuse/neglect) | 0 | 1 |

<table>
<thead>
<tr>
<th>CURRENT INVESTIGATION</th>
<th>Neglect</th>
<th>Abuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Current report maltreatment type (mark all applicable)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Neglect</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>b. Physical and/or emotional abuse</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>c. None of the above</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

| 6. Number of children involved in the child abuse/neglect incident |         |       |
| a. One, two, or three | 0 | 0 |
| b. Four or more | 1 | 1 |

| 7. Primary caregiver assessment of the incident |         |       |
| a. Caregiver does not blame the child | 0 | 0 |
| b. Caregiver blames the child | 0 | 1 |

---

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Updated 07/2019
<table>
<thead>
<tr>
<th>FAMILY CHARACTERISTICS</th>
<th>Neglect</th>
<th>Abuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Age of youngest child in the home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>o a. 2 years or older</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>o b. Under 2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>9. Characteristics of children in the household</td>
<td></td>
<td></td>
</tr>
<tr>
<td>o a. Not applicable</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>o b. One or more present (mark all applicable)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>□ Mental health or behavioral problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Developmental disability</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Learning disability</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Physical disability</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>□ Medically fragile or failure to thrive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>o a. Household has physically safe housing</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>o b. One or more unsafe; AND/OF OR Family homeless</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>11. Incidents of domestic violence in the household in the past year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>o a. None or one incident of domestic violence</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>o b. Two or more incidents of domestic violence</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>12. Primary caregiver disciplinary practices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>o a. Employs appropriate discipline</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>o b. Employs excessive/inappropriate discipline</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>13. Primary or secondary caregiver history of abuse or neglect as a child</td>
<td></td>
<td></td>
</tr>
<tr>
<td>o a. No history of abuse or neglect for either caregiver</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>o b. One or both caregivers have a history of abuse or neglect as a child</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>14. Primary or secondary caregiver mental health</td>
<td></td>
<td></td>
</tr>
<tr>
<td>o a. No past or current mental health problem</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>o b. Past or current mental health problem (mark all applicable)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>□ During the past 12 months</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Prior to the last 12 months</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Primary or secondary caregiver alcohol and/or drug use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>o a. No past or current alcohol/drug use that interferes with family functioning</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>o b. Past or current alcohol/drug use that interferes with family functioning (mark all applicable)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>□ Alcohol (Last 12 months and/or Prior to the last 12 months)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ Drugs (Last 12 months and/or Prior to the last 12 months)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. Primary or secondary caregiver criminal arrest history</td>
<td></td>
<td></td>
</tr>
<tr>
<td>o a. No caregiver has prior criminal arrests</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>o b. Either caregiver has one or more criminal arrests</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL SCORE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**SCORED RISK LEVEL.** Assign the family’s scored risk level based on the highest score on either the neglect or abuse indices, using the following chart.

<table>
<thead>
<tr>
<th>Neglect Score</th>
<th>Abuse Score</th>
<th>Scored Risk Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ 0-2</td>
<td>☐ 0-1</td>
<td>☐ Low</td>
</tr>
<tr>
<td>☐ 3-5</td>
<td>☐ 2-4</td>
<td>☐ Moderate</td>
</tr>
<tr>
<td>☐ 6-8</td>
<td>☐ 5-7</td>
<td>☐ High</td>
</tr>
<tr>
<td>☐ 9+</td>
<td>☐ 8+</td>
<td>☐ Very high</td>
</tr>
</tbody>
</table>

**OVERRIDES**

**Policy Overrides.** Mark yes if a condition shown below is applicable in this case. If any condition is applicable, override the final risk level to very high.

- ☐ Yes ☐ No 1. Sexual abuse case AND the perpetrator is likely to have access to the child.
- ☐ Yes ☐ No 2. Non-accidental injury to a child under age 2.
- ☐ Yes ☐ No 3. Severe non-accidental injury.
- ☐ Yes ☐ No 4. Caregiver action or inaction resulted in the death of a child due to abuse or neglect (previous or current).

**Discretionary Override.** If a discretionary override is made, mark yes, increase risk by one level, and indicate reason.

- ☐ Yes ☐ No 5. If yes, override risk level (mark one):
  - ☐ Moderate ☐ High ☐ Very High

Discretionary override reason: __________________________

Supervisor’s Review/Approval of Discretionary Override: __________________________ Date: ___/___/____

**FINAL RISK LEVEL (mark final level assigned):**

- ☐ Low ☐ Moderate ☐ High ☐ Very high

**RECOMMENDED DECISION**

<table>
<thead>
<tr>
<th>Final Risk Level</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Do not promote*</td>
</tr>
<tr>
<td>Moderate</td>
<td>Do not promote*</td>
</tr>
<tr>
<td>High</td>
<td>Promote</td>
</tr>
<tr>
<td>Very High</td>
<td>Promote</td>
</tr>
</tbody>
</table>

*Unless there are unresolved safety threats.

**PLANNED ACTION**

- ☐ Promote
- ☐ Do not promote

If recommended decision and planned action do not match, explain why:

________________________________________________________________________
SUPPLEMENTAL RISK ITEMS
Note: These items should be recorded but are not scored.

1. Either caregiver demonstrates difficulty accepting one or more children's gender identity or sexual orientation.
   □ a. No
   □ b. Yes

2. Alleged perpetrator is an unmarried partner of the primary caregiver.
   □ a. No
   □ b. Yes

3. Another adult in the household provides unsupervised child care to a child under the age of 3.
   □ a. No
   □ b. Yes
   □ c. N/A

3a. Is the other adult in the household employed?
   □ a. No
   □ b. Yes
   □ c. N/A

4. Either caregiver is isolated in the community.
   □ a. No
   □ b. Yes

5. Caregiver has provided safe and stable housing for at least the past 12 months.
   □ a. No
   □ b. Yes
APPENDIX E

TRI-COUNTY CSEC MOU/PROTOCOL

MEMORANDUM OF UNDERSTANDING:
COMMERCIALY SEXUALLY Exploited
CHILDREN (CSEC) PROGRAM

Amongst:

MONTEREY COUNTY:
Child Welfare
Probation
Public Health
Behavioral Health
Juvenile Court

SANTA CRUZ COUNTY:
Child Welfare
Probation
Public Health
Behavioral Health
Juvenile Court

SAN BENITO COUNTY:
Child Welfare
Probation
Public Health
Behavioral Health
Juvenile Court

For a full copy of the Tri-County CSEC MOU visit:
http://www.cdss.ca.gov/csecextranet/res/PDF/CIP/TriCounty.pdf
ACAC Forensic Interview Protocol for Child Interview Specialists

A. Forensic interviews are provided by ACAC/MDT staff members with specialized training in conducting forensic interviews.
   1. The ACAC shall provide trained Child Interview Specialist have to conduct forensic interviews as stated in the C.A.R.T. protocol. Child Interview Specialist’s are members of the multi-disciplinary team (MDT) and are able to conduct forensic interviews at the Sally P. Archer Child Advocacy Center and Bates Eldredge Clinic (ACAC).
   2. The ACAC has available forensic interviewers who speak both English and Spanish. For other language translations, the official Natividad Medical Center Interpreters are available.
   3. The majority of the interviews conducted at the ACAC are performed by the ACAC Coordinator who has advanced training in forensic child interviewing.

B. Child Interview Specialists must successfully complete an NCA approved training and demonstrate to the ACAC the following elements before they may begin conducting forensic interviews at the ACAC:
   1. Minimum of 32 hours of instruction and practice
   2. Evidence-supported interview protocol
   3. Pre- and post-testing that reflects understanding of the principles of legally sound interviewing
   4. Content that includes: child development, question design, implementation of protocol, dynamics of abuse, disclosure process, cultural competency, suggestibility
   5. Practice component with a standardized review process
   6. Required reading of current articles specific to the practice of forensic interviewing.

C. Child interview specialists must demonstrate participation in ongoing education in the field of child maltreatment and/or forensic interviewing consisting of a minimum of 8 contact hours every 2 years.
   1. The ACAC Coordinator identifies appropriate educational activities with regard to Forensic Interviewing and disseminates the information to all interviewers and interested parties. The ACAC coordinator also assists in obtaining scholarships or grants to cover the cost of attendance at appropriate courses, seminars, conferences and webinars, e.g.: San Diego Conference on Child Abuse and Neglect, yearly every January; California Network of Child Advocacy Centers, Yearly summit, October; CATTA trainings, sponsored by State of California Emergency Management Agency; For Spanish speaking interviewers, a quarterly regional peer review is coordinated by CATTA for the Northern California region; For English speaking interviewers, they participate in a regional peer review coordinated by CATTA for Northern California region when scheduled.

D. Child interview specialists who conduct forensic interviews at the ACAC must participate in a structured peer review process for forensic interviewers a minimum of 2 times per year, as a matter of quality assurance. Peer review serves to reinforce the methodologies utilized as well as provide support and problem-solving for shared challenges. Peer review includes participants and facilitators who are trained to conduct child forensic interviews.
1. The ACAC Coordinator shall send out reminders to all Child Interview Specialists when a peer review training is occurring; either online or in person.
   a. Midwest Regional CACC provides peer reviews for the ACAC two times monthly, in English and Spanish.
   b. Peer Review in person trainings are available and all Child Interview Specialists will be notified as such.
   c. ACAC will host peer review trainings as time allows.
   d. Child Interview Specialists must send proof of attendance to the ACAC Coordinator via email or fax.
   e. A Child Interview Specialist may not conduct interviews at the ACAC if he/she did not complete the above criteria.

E. ACAC/MDT protocol for forensic interviews reflect the following:
   1. In all cases of child abuse and neglect where a forensic interview is indicated, every effort should be made to conduct forensic interviews at the Sally P. Archer Child Advocacy Center (ACAC) and will be arranged by contacting the Child Abuse Response Team (CART) Coordinator/ACAC Coordinator at (831)769-8682. Representatives from law enforcement, Family and Children’s Services, Federal Bureau of Investigations, Military police, District Attorney’s office, and other agencies, if approved by the District Attorney’s office, may schedule forensic interviews.

2. The ACAC Coordinator shall conduct the forensic interview unless a Child Interview Specialist requests to conduct it themselves or if the investigating agency requests another Child Interview Specialist to conduct the interview. The Child Interview Specialist may change if the criteria requires one who speaks a language other than English, if the ACAC Coordinator is not available, and/or if a certain gender is requested. Culturally and linguistically specific services will routinely be made available to all victim(s) and non-offending family members.

3. The multidisciplinary team (MDT) is the foundation of a child advocacy center. In order for the ACAC to maintain our national accreditation, we must ensure that MDT members are present for the forensic interview, as defined by the needs of each case. The MDT members who should be present and/or attend a forensic interview are representatives from law enforcement, Family and Children’s Services, as appropriate, Children’s Behavioral Health, a SANE provider, as appropriate, and an advocate from Monterey County Rape Crisis Center. At a minimum, the Monterey County Rape Crisis Center Victim Advocate should be present to support the youth and family along with law enforcement during after hour interviews. Law enforcement personnel will always need to be present for a forensic interview. This may be an officer, deputy, detective, etc., or an investigator with the District Attorney’s Office. MCRCC provides advocates who support the youth and family at the time of any forensic interview. Our accreditation requires their presence. They will not observe the interview, but will wait in the lobby to support the youth’s family. Monterey County Children’s Behavioral Health (CBH) provides mental health services to youth and families at the ACAC during regular business hours. Per the Monterey County Child Abuse Response Team (CART) Protocol, CPS must be notified in the following types of cases: intra-familial situations; extra-familial situations when the minor may be at continued risk due to parent/caretaker inability to protect or Unwillingness to
believe allegations; Commercial Sexual Exploitation of a Child (CSEC). If any of these apply, CPS should be present for the forensic interview.

4. Prior to the forensic interview, the investigating team, which may include the Child Interview Specialist, the District Attorney (DA), detective/law enforcement officer, social worker, therapist, and victim advocate shall meet pre-interview and share a brief history and background of the case, information about the allegation, and details of any relevant family dynamics. Information must be shared if it is pertinent to ensure the safety of the child. If this is a particularly complex or severe case, consult with the On-Call DA Investigator about the need for support and/or response by an investigator or prosecutor.

5. Body diagrams are available to use but only as a last resort. Extra body diagrams are available in the observation room. Use of body diagrams are generally only recommended following a verbal disclosure and if you are unable to clarify names of body parts with the child verbally. If you do complete a body diagram during the interview, please make sure that diagram is provided to the investigating officer as evidence before they leave.

6. The primary reason for multidisciplinary teaming and forensic interviews is to limit the number of interviews in which a child must participate, as well as, ensuring the child’s statement is obtained in a developmentally sensitive and legally sound manner. Both of these purposes are defeated if an interview is conducted in a language the child cannot fully understand or speak fluently. While the child/children’s preferred language is not always known upfront, every effort should be made to check in with the child and team whenever it is unclear/unknown. Unless it is an emergency, it is recommended that an interview be delayed until it can be conducted in the most appropriate language. If a Spanish language forensic interview is being conducted, ensure that the observing investigator also speaks Spanish. If they do not, they will need to have a Spanish-speaking officer or certified county employee (i.e., social worker) providing live translation for them in the Observation Room. This is not a recommendation – it is a directive from the District Attorney’s Office. If an identified victim needs an interview and speaks a language other than English or Spanish, it may be necessary to conduct the interview with the assistance of an in-person interpreter in the interview room. If this arises, please consult with the District Attorney’s Office on the best way to proceed. If you are in need of general interpretation assistance outside of the interview, NMC’s in-person interpreting assistance is available by dialing the operator. Keep in mind that NMC does have an Indigenous Interpreting program if it is discovered there is a need for assistance with languages, such as, Triqui or Mixteco. When an interpreter arrives, they will need the child’s name and date of birth to document the use of their time. Hospital interpreters cannot participate in the forensic interview or other law enforcement interviews, but can assist you if there is a need to communicate with family or other support persons.

7. Each agency, (law enforcement, district attorney, FCS and medical personnel) shall complete the appropriate documentation for each investigation in accordance to that agency’s policies and procedures and those set forth in the Penal Code for such reporting. Law enforcement personnel are encouraged to share their information with medical personnel for the completion of required
CAL-OES forms. All forensic interviews conducted at the ACAC shall be recorded. The agency conducting the investigation shall provide a person to operate the recording equipment during the interview. Upon completion of the interviews, one DVD-R becomes the property of the agency conducting the investigation and shall be placed into evidence according to the policies and procedures of that agency. Law enforcement agencies having jurisdiction should provide their own DVD or USB thumb drive for recording the interview. It shall be the responsibility of the investigating officer to document in writing the interview of the child with sufficient detail to permit that officer to testify in any court proceeding. Law Enforcement shall complete the form “CAC Interview” with identifying information of the case while present at the ACAC. Recordings are stored in the Casecracker recording system at the ACAC. At the request of a BH therapist, an interview recording may be made available for BH therapist to view in order to assist a victim during mental health treatment. The request must be made to the agency handling the investigation and/or the District Attorney’s Office. All recordings are considered evidence and authorization to view the interview will be made on a case by case basis.

8. ACAC shall conduct non-biased, forensically sound interviews based on current, best practices for child-abuse investigations. The interviews shall be modeled on Dr. Tom Lyon’s “Ten-Step Interview” approach as adopted by CATTA, which is charged by the State of California to provide forensic interview training. The interviews shall incorporate a phased approach and open-ended questions and minimize the use of forced-choice questions and the introduction of externally derived information.

9. The Child Interview Specialist may show a child a picture and ask the child if he/she has ever seen the person depicted in the photo for the purposes of the criminal investigation and only when requested by the investigating agency.

10. MDT members participating in the ACAC will share and receive pertinent case information in adherence to relevant state laws. Every effort will be made to gain informed consent from the victims and their families/caregivers to enable the MDT to respond to the immediate and ongoing needs of the child and family. Said consent will be limited to a prescribed and agreed upon period of time. The Multi-Agency Authorization for Referral & Release of Information form is voluntarily completed with either a therapist with CBH or advocate from MCRCC and the caregiver. This form, if accepted by the caregiver, allows for MDT members to share information about the child in order to work collaboratively. The CAC Interview form must be completed by law enforcement. This information is crucial for documenting the interview in our case tracking system. Both of these forms are filed at the ACAC.

11. Upon completion of the forensic interview, the investigating team shall determine what further investigation should occur, whether or not a forensic medical evaluation is warranted, what child protection issues exist, and the need for therapeutic intervention. This is considered post-interview briefing. After the post-interview team briefing, the law enforcement, mental health, and victim advocate shall meet with the caregiver(s) and/or children in a private space regarding any criminal or child protection issues. Case coordination happens during bi-weekly
SCAN (Suspected Child Abuse and Neglect) meetings. During SCAN, discuss all cases of suspected child abuse and neglect reported within hospital in Monterey County, as well as discuss any follow-up on forensic interviews that were previously conducted. Team members may include law enforcement, child welfare, mental health, victim advocacy, prosecution, hospital social services, public health, family advocacy SW with FAP, and medical personnel. All cases discussed will have previously been reported to law enforcement and/or child protective services pursuant to Penal Code Sections 11160, 11166, and 11166.05. A Suspected Child Abuse Report (SCAR)/SS 8572 form will have already been submitted. Information shared during SCAN meetings and among identified team members will be confidential per California Welfare and Institutions Code Sections 10850.1, 18951, 18961.7, and 18964.

12. Every effort should be made that the same child interview specialist conduct the interview. If this is not possible, the information should be shared between the child interview specialists to have information necessary and to avoid the child repeating her disclosure.

F. MDT members with investigative responsibilities on a case must observe the forensic interview(s) to ensure necessary preparation, information sharing, and MDT/interviewer coordination throughout the interview and post-interview process.
   1.

G. For cases meeting the CAC case acceptance criteria as outlined in the CART protocol, forensic interviews are conducted at the ACAC, at a minimum of 75% of the time.
   1. Per the CART protocol, in all cases of child abuse and neglect where a forensic interview is indicated, every effort should be made to conduct forensic interviews at the Sally P. Archer Child Advocacy Center (ACAC) and will be arranged by contacting the Child Abuse Response Team (CART) Coordinator/ACAC Coordinator at (831)769-8682.
   2. All interviews regardless of referring agency should occur at the ACAC located at Natividad Medical Center, 1441 Constitution Blvd., Building 200, Salinas. The entrance is located on Care Lane.
   3. The assessment interviews of sexual assault victim(s) should be limited to the determination of the following: a suspected crime has occurred; jurisdiction; date of offense(s); additional victim and suspect information; safety issues pertaining to the child; if the suspect(s) is a flight risk, the community is at risk OR if it appears evidence may be destroyed and therefore immediate arrest (P.C. 836) is necessary. If it is determined immediate arrest is necessary, the officer may conduct a more in-depth interview to establish sufficient probable cause for the arrest and filing of a criminal complaint. If immediate arrest is not indicated the detailed recorded forensic interview will be performed by a child interview specialist at the ACAC.

H. The ACAC coordinates information gathering including history taking, assessments, and forensic interview(s) to avoid duplication.
   1. All members of the MDT are present at the interview and for pre and post interview meetings to collaboratively gather information to avoid unnecessary duplication.
   2. All information obtained by the appropriate investigating agency are shared among the MDT members.
3. If an MDT member are not present, the MDT member must identify an individual to provide information on their behalf.
4. A referral for a medical evaluation shall occur if the disclosure involves skin-to-skin contact (in non-acute cases), penetration, or acts suggestive of such, regardless of how much time has elapsed since the incident(s). Law Enforcement shall request such a medical examination and the Child Interview Specialist may make a recommendation for an exam once a disclosure is made.
OPERATIONAL AGREEMENT

This Operational Agreement stands as evidence that the Monterey County Rape Crisis Center (MCRCC) and the Sally P. Archer Child Advocacy Center intend to work together toward the mutual goal of providing maximum available assistance for crime victims residing in Monterey County. Both agencies believe that implementation of the Program proposal, as described herein will further this goal. To this end, each agency agrees to participate in the program, if implemented, by coordinating/providing the services described below:

1. The Monterey County Rape Crisis Center provides services that include:
   a. A 24-hour crisis line staffed by certified sexual assault victim counselors/advocates;
   b. Crisis intervention, in-person counseling and follow-up services;
   c. Accompaniment and advocacy services;
   d. Information and referral services;
   e. Community education programs and cross-trainings with other CART team members.

2. The Archer Child Advocacy Center provides services that include:
   a. Conducting forensic interviews and medical-legal examinations in cases of suspected child abuse;
   b. Providing expert testimony related to child abuse when necessary;
   c. Referral of victims and witnesses to appropriate resources for counseling, information/referral, etc.

3. The Monterey County Rape Crisis Center will closely coordinate services with the Archer Child Advocacy Center through:
   a. MCRCC SART advocates being available to provide follow-up information to victims and/or family members;
   b. Cross-trainings between agencies regarding CART protocols;
   c. Participation at a meeting annually, or as necessary, to discuss strategies, timetables and implementation of mandated services.

The Archer Child Advocacy Center agrees to notify MCRCC prior to medical-legal exams, and provide information regarding services provided by MCRCC to family members/caregivers of children who undergo interviews.
We the undersigned, as authorized representatives of the Monterey County Rape Crisis Center and the Archer Child Advocacy Center of Monterey County do hereby approve this document which shall be in effect from September 1, 2018 to September 30, 2021.

Clare Mounteer  
Executive Director  
Monterey County Rape Crisis Center  

Date

Raul Lara, MD  
Medical Director  
Archer Child Advocacy Center & Bates-Eldredge Clinic  

Date  
6/22/2018

Sarah Kramer, MSW  
Coordinator  
Archer Child Advocacy Center & Bates-Eldredge Clinic  

Date  
9/21/18
CHILD ABUSE RESPONSE TEAM PROTOCOL (CART)

Interdepartmental Memorandum: ACAC and CBH

AGREEMENT

I. DECLARATION

This agreement is entered and effective as of January 1, 2019 by and between the MONTEREY COUNTY DEPARTMENT OF HEALTH, BEHAVIORAL HEALTH BUREAU, hereinafter referred to as “Behavioral Health” and NATIVIDAD MEDICAL CENTER ARCHER CHILD ADVOCACY CENTER hereinafter referred to as “ACAC” for the purpose of providing on-site psychotherapeutic services. The purpose of this Agreement is to identify the roles and responsibilities of each of the affected parties.

II. BACKGROUND

The ACAC, a program of Natividad Medical Center Pediatrics, was established to provide a child-friendly central location for forensic interviews where there are allegations of child abuse. It is the only service of its kind in Monterey County. The Children’s Behavioral Health team provides support for the patient and non-offending family members at the time of the interview and follows up to assess the need for ongoing mental health services.

Currently, Behavioral Health assigns a Psychiatric Social Worker, hereinafter referred to as “PSW,” to provide up to 20 hours per week (0.50 FTE position) to collaborate with the ACAC team of providers to provide support, initial assessment, follow up, and referral for ongoing behavioral health psychotherapeutic services to patients of the ACAC. The PSW will provide case management services and voluntary access to therapeutic support through Monterey County Behavioral Health or other community providers. In addition, Behavioral Health will make available to NMC ACAC an on-call Behavioral Health PSW to respond to patients in need of crisis support service. The 0.50 FTE PSW and on-call PSW positions are funded by a mixture of Mental Health Services Act funds and Medi-Cal billing.

A. Population of Focus

The ACAC is located at 1441 Constitution Blvd. Bldg. 200 Salinas, CA 93906. Any child, adolescent or young adult Monterey County resident that participates in a forensic interview at the ACAC and their non-offending parent/legal guardian are eligible for services within this program, regardless of their specific county region of residence. Sexually exploited and abused children are the focus of this program. A Behavioral Health Spanish or Indigenous Language speaking team member or interpreter will be available to assist mono-lingual Spanish and Indigenous speaking patients and their non-offending parent/legal guardian.

B. Assessment and Access of Patients to Psychiatric Social Worker Services

The Behavioral Health PSW will be available at the time of the initial forensic interview to make contact with the victims and family for the purpose of providing mental health support. Said Behavioral Health PSW will then refer the child victim and family to ongoing psychotherapeutic services, as needed. In addition, psychotherapeutic services will be available for child victims and families who are referred for child abuse medical exams, as needed.

C. Expected Outcomes

The program aims to support non-offending parents/legal guardians and the child victim through the difficult emotional experience involved in undergoing a forensic interview and forensic medical examination. The desired outcome includes:

- Prevention of re-traumatization or de-stabilization based on the re-experiencing of trauma;
- The opportunity to obtain therapeutic support to process the original trauma and return to pre-trauma functioning or higher; and
The opportunity to report suspicion of ongoing abuse.

III. PRINCIPLES OF AGREEMENT

The general areas of responsibility and a description of services among the parties to this Agreement are detailed in Exhibit A.

IV. GENERAL PROVISIONS

A. Indemnification and Insurance
As parties to this Agreement are Departments of Monterey County, there are no indemnification or insurance requirements.

B. Term
This Agreement shall commence January 1, 2019 and remain in full force and effect through December 31, 2020, unless sooner terminated as provided herein. Either party may terminate this Agreement by giving thirty (30) days written notice to the other party. This agreement is contingent upon available funding, and may be renewed or renegotiated upon mutual written consent of both parties.

C. Fiscal
There are no funding transfer provisions in this Agreement.

D. Meeting/Communication
Behavioral Health and the ACAC shall monitor implementation of this program primarily through communication between the Behavioral Health Deputy Director of Children’s Services and the Pediatric Director of the ACAC and/or their designees. The focus of the monitoring activity will be to review and evaluate operations to ensure that appropriate patients are receiving psychiatric social worker and ongoing psychotherapeutic services. Meetings shall be scheduled as needed to discuss other areas that affect any party in this Agreement.

E. Information Sharing
Behavioral Health and the ACAC shall work together in a cooperative manner to achieve the goals and objectives of this Agreement. This includes the sharing of information, as deemed necessary in order to provide care and treatment of shared patients. In accordance with Section I of this Agreement, confidential patient information shall not be released, disclosed, or otherwise made available to any individual or organization other than authorized personnel.

F. Other
ACAC will provide an adequate workspace on-site for the Behavioral Health PSW.

G. Credentialing
The Behavioral Health PSW providing services under this Agreement shall be either,

- licensed in California and, if applicable, board certified with experience in treating children and adults with a history of trauma and abuse; or
- degreed clinician gaining post degree hours toward licensure and supervised by a licensed clinician.

The Behavioral Health PSW will comply with the accreditation requirements of the National Children’s Alliance, Standards for Accredited members, specifically forty (40) hours of evidence based trauma treatment with an additional eight (8) hours every two (2) years.
H. Compliance with Applicable Law
The parties shall comply with all applicable federal, state, and local laws and regulations in performing this Agreement.

I. Confidentiality
The parties agree to maintain the confidentiality of all medical records pertaining to the provision of services under this Agreement in accordance with applicable federal and state laws and regulations including but not limited to the Health Information Portability and Accountability Act ("HIPAA"), the California Confidentiality of Medical Records Information Act, codified at Section 56.1 of the California Civil Code and California Evidence Code Sections 1156 and 1157.

V. EXHIBITS
The following Exhibits are attached and incorporated herein by reference:

Exhibit A: Duties and Responsibilities

VI. NOTICE
Notice to the parties in connection with this agreement shall be given personally or by regular mail addressed as follows:

Behavioral Health Director
Department of Health
1270 Natividad Road
Salinas, CA 93906

Medical Director
Archer Child Advocacy Center
1441 Constitution Blvd, Bldg. 840
Salinas, CA 93906

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first hereinabove written.

By: [Signature]
Elsa M. Jimenez,
Director of Health
Department of Health

Date: 01/16/2019

By: [Signature]
Gary Gray, M.D.
Chief Executive Officer
Natividad Medical Center

Date: 01/16/2019

Approved as to Form:

By: [Signature]
Stacy Saeta,
Deputy County Counsel

Date: 01/11/2019

Approved as to Fiscal Provisions:

By: [Signature]
County Auditor-Controller

Date: 01/11/2019

Interdepartmental Memorandum
Monterey County Behavioral Health and Natividad Medical Center - Archer Child Advocacy Center
January 1, 2019 - December 31, 2020

Page 3 of 5
8100 Grant Funding Prior Dir 0202.pdf
I. PURPOSE

To set forth Department policy and procedures to pursue and facilitate appropriate grant funding opportunities and to ensure efficient and effective grant awareness, consideration, application, administration, and implementation.

II. POLICY

It is the policy of this Department that the consideration, application, and administration of all grants be controlled and coordinated by the Chief of Police and the Administrative Assistant. All grant related applications and proposals, revenue and expense records, and other reports and information shall be centralized in the Police Administrative Office.

III. DEFINITIONS

A. Federal Funding: Funding originating from the Federal government as distributed through any one of its offices, branches, or programs (e.g., the U.S. Department of Justice, Bureau of Justice Assistance – Local Law Enforcement Block Grant).

B. State Funding: Funding originating from the State of California as distributed through any one of its offices, branches, or programs (e.g., California Citizens Option for Public Safety, Supplemental Law Enforcement Funding).

C. Discretionary or Competitive Grants: Funding from any source resulting from a competitive grant application process (e.g., COPS In Schools).

D. For the purposes of this Directive, any of the above noted funding sources will be referred to as a “grant.”

IV. PROCEDURES

A. Evaluation of Grant Opportunities

1. All new grant funding opportunities will be routed to the Chief of Police for review.
2. At the Chief’s direction, the grant information may be assigned to a staff member for closer evaluation to determine whether the grant opportunity merits application based on:

   a. Department eligibility for funding.

   b. Matching the grant’s objectives to departmental needs.

   c. Cost-benefit analysis (i.e. matching funds requirement, cost of staff time vs. amount of funding, benefits of grant objectives and fiscal ability to maintain program/personnel expenses, etc.).

   d. Timing of grant application deadline.

   e. Other requirements, (i.e. retention of programs, equipment, or personnel beyond the funded grant period).

3. A grant evaluation staff report will be forwarded to the Chief of Police, who will determine whether or not to proceed with the grant application.

B. Grant Application Process

1. Chief of Police approves recommendation to apply for the grant.

2. A staff report will be prepared for Chief’s signature to request City Manager or City Council, as required, approval to apply for the grant.

3. Other department reviews will be completed as necessary (i.e., Finance, City Attorney, Personnel).

4. The Police Administrative Assistant will complete the grant application. Other staff members may be assigned to assist with narrative and budget background information, as necessary.

5. If another staff member is assigned to complete the grant application, all related information will be forwarded to the Police Administrative Assistant for filing and administration.

6. Grant applications will be processed in a thorough, professional, and timely manner to ensure the best possible potential for funding.

C. Grant Award Acceptance

1. Once the grant is successfully awarded, the Police Administrative Assistant will prepare a staff report and Council Resolution to accept the grant funds.
2. The Police Administrative Assistant will coordinate any other requirements to properly accept grant funds, as per individual grant requirements (i.e., requirements for Public Hearings, Advisory Committee Meetings, etc.).

D. Grant Administration

1. The following responsibilities for Department grants will apply to ensure consistent grant processing, administration and timely use of funds:

   a. Police Services Manager responsibilities include:

      1) Oversee and report on budgetary impacts of grant awards.

      2) Liaison with Finance Department to ensure grant funds are rolled into succeeding fiscal years.

      3) Liaison with ISD for grants funding technical equipment.

      4) Collaboration with Police Administrative Assistant to ensure information overlap.

      5) Coordinate grant audits.

   b. Police Administrative Assistant responsibilities include:

      1) Maintain all individual grant files (i.e. hard copies of applications, back-up documentation, correspondence and reports).

      2) Complete grant applications and ensure that required reports/surveys are completed, processed, and forwarded in a timely manner.

      3) Process invoices related to grant funds to ensure correct accounting.

      4) Process PAF’s for grant funded personnel.

      5) Initiate correspondence for Chief of Police and City Manager, as applicable, for staff reports and as liaison with grant agencies.

      6) Maintain a summary Grant Matrix for management information.
c. Other Department staff, as assigned, responsibilities include:

1) Oversee daily operational issues related to grant funding to ensure appropriate use of funds.

2) Provide thorough reporting information and data in a timely manner to Police Administrative Assistant for preparation of grant application and required reports.

3) Forward all original grant-related documentation, invoices, and receipts to Police Administrative Office.

2. All final copies of Department grant reports and correspondence will be signed by the Chief of Police.

________________________
Carlo Cudio, Chief of Police

ORIGINAL: July 2002
Ride-Aong Attachment 4-Student Info.pdf
Student Rider:

Welcome to the Monterey Police Department's Student Ride-Along Program.

We are pleased you are able to participate in the program and hope your experience is enjoyable, as well as meaningful. Even though most police patrol work is "routine," and in some cases downright boring, there is lurking in the background a constant element of danger which can suddenly present itself without warning and without regard on whom it strikes. Riding in a police car on patrol can put you in the same dangerous position as the Police Officer. For this reason, we feel it is necessary to establish some basic safety guidelines:

1. We ask that you conduct yourself as an OBSERVER -- that is, you must not become physically or verbally involved in an incident in which the officer is involved. Cameras, video or audio recording are not permitted.

2. Please feel free to ask questions of the officer, but not while the officer is talking to a citizen. The officer's full concentration will be directed to the citizen's statements, questions and actions; and a distraction could be dangerous, or at least prevent the officer from obtaining the complete chain of events.

3. Remember that while you and the officer are riding on patrol, the officer is not "just riding around." Patrol is the most important part of the officer's job. The officer is expected to be alert, to concentrate on safe driving (which in itself is a full-time job), and at the same time, look for violations of the law, hazardous conditions, suspicious circumstances, etc., and also listen to the police radio. If the officer stops talking to you in the middle of a sentence or does not seem to hear your question, it may be that the officer stopped to listen to a radio transmission or that something on the street caught the officer's attention.

4. You may accompany the officer wherever the officer goes, but only with the officer's permission. If the officer is called to a fight in progress, a domestic dispute, etc., please be alert and careful. We do not want to see you get hurt. The officer will ask you to remain in the patrol car if the officer feels a situation could place you in too much peril.

5. Wear your safety belt whenever the police car is in motion. At any given time, you might go from a slow routine patrol to a high-speed chase with red lights and siren.

6. The equipment inside the police car (shotgun, red light switches, amber light switch, radio controls, etc.) will be explained to you by the officer. PLEASE DO NOT TOUCH ANY OF THIS EQUIPMENT.

7. BRING YOUR LUNCH OR BRING MONEY TO PURCHASE YOUR LUNCH, IF YOU EXPECT TO RIDE MORE THAN TWO (2) OR THREE (3) HOURS.

You will find the Student Ride-Along Program to be an educational experience.
8080 Vicious Dog Procedures Prior 0701.pdf
I. POLICY

A. It shall be the policy of this Department to protect the public from vicious dogs while doing so in the most humane way possible.

B. While the safety of police personnel and the community is always a paramount consideration, and officers should always be prepared to protect themselves when dealing with animals, an animal should not be treated as vicious merely because it is a breed known for aggressive behavior, i.e., Pit Bull, Rottweiler, Doberman Pinscher, etc. Each animal should be judged on their demonstrated behavior, not their breed.

C. The Department recognizes the Fourth Amendment rights of persons to due process prohibiting unreasonable seizure of person’s property, including dogs, specifically relating to the seizure and destruction of vicious dogs.

II. PURPOSE

To establish a protocol for the safe, humane and effective handling of vicious dogs in the City.

III. DEFINITIONS

A. Vicious Dog: Monterey City Code § 6-28 defines a vicious dog as any dog which has on one or more occasion bitten or otherwise injured any person other than his owner or a trespasser upon private property where such dog is kept, or any dog which has otherwise demonstrated on one or more occasion vicious, dangerous and/or fierce propensities such as, but not necessarily limited to, unprovoked threatening or molesting any person or causing substantial damage or injury to any public or private property.

Note: An attack on another dog or animal could constitute substantial damage or injury to private property.

IV. ROLES AND RESPONSIBILITIES

A. Primary Officer’s Responsibilities:

1. Respond promptly and assess the circumstances to determine whether there exists an immediate threat of serious injury or death as a result of the vicious dog’s actions;
2. Ensure anyone injured receives medical attention if needed;

3. Notify the Monterey Animal Control Officer. If the Animal Control Officer is off duty, consider the following options:
   a. Request, via the Watch Commander, that the Animal Control Officer be called in to assist;
   b. Request assistance from either the Pacific Grove or Seaside Animal Control Officer;
   c. Request assistance from the Monterey County Society for the Prevention of Cruelty to Animals (S.P.C.A.) when available;
   d. Request assistance from the Monterey County Animal Control Officer after hours or on weekends if none of the resources above is available.

4. Prepare response strategies in cooperation with Animal Control, the S.P.C.A. and other involved resources as appropriate.

5. If there exists an immediate threat of serious injury to a person:
   a. Notify the Watch Commander to advise of the circumstances, time permitting;
   b. Confer with the Animal Control Officer, if practical, to determine the best and most humane manner to address the threat;
   c. Determine whether the facts present at the time require the use of force, and what level of force should be used, to safely remove the threat to public safety;
   d. Consider the use of less-lethal options such as an animal noose, pepper spray, discharging a dry chemical fire-extinguisher (to distract the animal), low pressure water hose, road flare (as a means of scaring the animal away), less lethal shotgun, or the use of a conducted energy device (C.E.D);
   e. Use deadly force if other means are ineffective or not practical.


7. Coordinate the release of public information with other involved agencies through the Department Public Information Officer.
B. Animal Control Officer’s Responsibilities:

1. Conduct training in the response to and handling of vicious dogs;

2. Respond promptly and assess the circumstances to determine whether there exists an immediate threat of serious injury or death as a result of the vicious dog’s actions;

3. Provide expertise and assistance to the officer(s) on scene in determining the appropriate response to the vicious dog;

4. Provide technical assistance, such as the use of an animal noose, live traps, tranquilizers and other less-lethal containment options for vicious dogs available from other resources (e.g., SPCA);

5. Safely transport and house vicious dogs;

6. Participate in post-event debriefs.

C. Watch Commander Responsibilities:

1. Respond promptly to calls for service involving potentially vicious dogs when there exists an imminent threat to public safety;

2. Confer with the Animal Control Officer and investigating officer regarding the most appropriate way to handle the vicious dog;

3. Consider other resources available, such as the S.P.C.A. or seek guidance from a Command Staff Officer when determining a course of action;

4. Determine whether the facts present at the time require the use of force, and what level of force should be used, to safely remove the threat to public safety;

5. Ensure the procedures outlined in M.P.D. Directive 88.05, “Officer Involved Shooting,” are followed if a firearm is discharged while attempting to dispatch the animal.

IV. PRE-PLANNED ENCOUNTERS WITH DOGS

A. If detailed to a location where a dog is known or suspected to reside, have County Communications or Records attempt telephone contact with the owner, when practical, and request they secure the animal.

B. Assume that most dogs will exhibit territorial protective behavior when officers enter property where the dog is kept.
C. On every call, officers should scan the property prior to entry to look for signs that a dog might be on the premises (i.e., water bowls, bones, dog droppings, etc.). If found, officers should attempt telephone contact with the owner if practical.

D. When preparing search warrants or other planned events, those involved in the preparation shall:

1. During the pre-planning and intelligence gathering stages of a warrant, attempt to determine if the premises or property contain or routinely house dogs. This should be done in the following manner:
   a. Check with Monterey Animal Control to determine if there are any licensed dogs on the premises or if there have been animal related calls at the target location;
   b. Conduct visual observation of the target address, when practical, to determined the presence of dogs on the property;
   c. Conduct a CAD inquiry on the location to determine if there are indications animals have been present in the past.

2. In cases where a dog is believed to be on the property, attempt to arrange for Animal Control assistance prior to executing the warrant.

3. Ensure the raid plan contains a contingency for dealing with dogs on the premises, which has been reviewed by the Animal Control Officer. The contingency should include, but is not limited to:
   a. Securing an animal noose and ensuring an officer is designated and trained to use it;
   b. Ensure all Department personnel present have pepper spray on their person when serving the warrant or other event and are reminded of wind conditions and how it can affect disbursement of the spray;
   c. Ensure at least one officer trained in the use of the C.E.D. has one in his/her possession and is designated as the C.E.D. officer should it need to be deployed against the dog.
   d. In attempting to use a less lethal method of containment of a vicious dog, officers shall designate an officer with a firearm to be present to protect Animal Control, S.P.C.A., and officers using less lethal methods in the event the strategy does not work.
V. UNEXPECTED ENCOUNTER WITH A VICIOUS DOG

A. An officer may unexpectedly encounter a vicious or aggressive dog in the performance of an officer’s duty, such as:

1. Fresh pursuit of a suspect through yards or other premises;
2. Detail to a vicious dog at large or;
3. During a normal response to a call for service.

B. In these types of encounters, unless imminent threat to the public or the officer requires immediate action against the dog, the officer shall:

1. Retreat to a position of safety/cover;
2. Attempt to contain the dog by securing it in a yard, behind a gate, etc but be mindful not to corner the animal as this could cause it to become more aggressive;
3. Notify the Watch Commander and request his/her response;
4. Request the Animal Control Officer respond if on duty. The Watch Commander can authorize the Animal Control Officer being called in, if off duty, to assist with securing the dog;
5. Contact Records and/or the Animal Control Officer to ascertain the property/dog owner’s personal information and attempt contact;
6. Interview neighbors to ascertain owner information;
7. Confer with the Watch Commander and Animal Control Officer to determine the best way to secure the dog.

C. If there exists an immediate threat to the officer or member of the public requiring some level of force be used on the dog, the officer should deploy their conducted energy device as a first line of defense against a vicious or aggressive dog.

1. The C.E.D. has been proven an effective temporary remedy to aggressive dog behavior and should allow for retreat to a position of safety. Keep in mind that most dogs will flee once the C.E.D charge is over.
2. However, other less lethal options should also be considered. The speed of a dog, coupled with its smaller center of mass, can make it difficult to secure an effective hit with the C.E.D. Other options should
be considered and, if possible, at the ready, should the C.E.D. prove ineffective or impractical.

3. If it is necessary to catch the dog and the C.E.D. is used, personnel should be on the ready with a noose to snare the dog to prevent its escape. It might require holding the trigger beyond the initial 5 seconds in order to safely subdue and secure the dog.

4. At times, the use of less lethal weapons might not always be possible and the officer may have to resort to the use of deadly force in order to protect themselves and others. The use of less lethal options should be considered prior to the use of deadly force, when possible.

VI. DESTRUCTION OF A VICIOUS DOG

A. Officers should attempt to destroy a vicious dog only when less lethal methods have failed, or are not practical, and the dog is an immediate threat to public safety (refer to M.P.D. Directive 84.07);

B. Officers should not use deadly force to control an animal that has not exhibited vicious behavior and is merely attempting to evade capture.

C. If it becomes necessary to destroy a vicious dog, the following firearms and ammunition are available for use, depending upon the circumstances and surroundings present:

1. MPD .40 cal duty pistol with department issued Federal HST 165-grain duty ammunition;

2. MPD 12 gauge shotgun with department issued Federal LE132 .00 buck or Federal LE127 rifled slug;

3. MPD CAR-15 with department issued Federal .55 grain soft point ammunition.

D. When a vicious dog has been destroyed, the Watch Commander shall notify the Field Operations Deputy Chief and the Chief of Police and follow the procedures outlined in M.P.D. Directive 88.05 “Officer Involved Shooting.”

1. When appropriate, the area is to be secured and treated as a crime scene;

2. If needed, arrangements should be made for Investigations personnel to respond to the scene.
3. In all such cases, the Watch Commander shall conduct a thorough investigation of the incident and document his/her findings on a Department Use of Force Form.

VII. PUBLIC INFORMATION

As warranted, the Department will provide for the release of information to the public regarding vicious dog related incidents.

CARLO CUDIO
Chief of Police

ORIGINAL: May 2007
RECOMMENDED RESPONSE GUIDELINES FOR UNIDENTIFIED SUBSTANCES OR SUSPICIOUS PARCELS

SECTION 1. ALL INCIDENTS:

☐ Obtain as much information as possible while en route.

☐ Approach from upwind and upgrade if possible.

☐ Upon arrival, position unit(s) in a safe location.

☐ Establish Incident Command and identify Incident Commander.

☐ Give a report of conditions (Object, Condition, Action, Assignment) as soon as possible (ASAP).

☐ Until proven otherwise, consider ALL visible unknown substances as potentially hazardous.

☐ Consider threat of explosive device.

☐ Attempt to identify the substance or package from witness(es), sender, or container. Assess which scenario is present by using “KEY INDICATORS OF A CREDIBLE THREAT” (Appendix A) and “CLUES TO DETERMINE IF A PARCEL MAY BE SUSPICIOUS” (Appendix B).

☐ Forward copy of law enforcement Incident Report to Monterey County Sheriff’s Department (Attention: Records Division) for tracking.

☐ Advise that letter/package will not be returned.
SECTION 2. LETTER/PACKAGE (NOT SUSPICIOUS), AND NO LEAKING SUBSTANCE, AND NO CREDIBLE THREAT

- Attempt to identify the substance or package from witness(es), sender, or container. Assess which scenario is present by using “KEY INDICATORS OF A CREDIBLE THREAT” (Appendix A) and “CLUES TO DETERMINE IF A PARCEL MAY BE SUSPICIOUS” (Appendix B).

- Use universal precautions: Latex medical gloves. N95 face mask (or better). Plastic eye protection glasses.

- Evaluate for suspicious package using Appendix A.

- If suspicious, go to Section 3.

- Law enforcement assesses threat using Appendix A. If not suspicious or no credible biological threat, place envelope or package in sealed plastic bag and dispose of in regular trash. If addressee is apprehensive and refuses letter or package, in the absence of the addressee, destroy in accordance with law enforcement procedures (including shredding or other appropriate disposal methods) and dispose into ordinary refuse waste.

- Place medical gloves and face mask in sealed plastic bag and dispose of in regular trash.
SECTION 3. UNOPENED ENVELOPE/PACKAGE OR LOCATION WITH ARTICULATED THREAT, AND NO OBVIOUS SUBSTANCE INSIDE:

- Attempt to identify the substance or package from witness(es), sender, or container. Assess which scenario is present by using “KEY INDICATORS OF A CREDIBLE THREAT” (Appendix A) and “CLUES TO DETERMINE IF A PARCEL MAY BE SUSPICIOUS” (Appendix B).

- Use universal precautions: Latex medical gloves.
  - N95 face mask (or better).
  - Plastic eye protection glasses.

- Avoid direct handling of envelope/package.

- Law enforcement assesses threat potential using Appendix B.

- Take photo, if possible, to record details.

- Contact FBI for threat assessment.

- If threat is credible, retain envelope/package in accordance with law enforcement evidence, seizure, and documentation protocols. Upon conclusion of criminal investigation, including court obligations, enter into evidence storage in accordance with guidelines per prosecution office.

- If threat is deemed not credible, release envelope/package to mail handler or addressee. If addressee is apprehensive and refuses letter or package, or in the absence of the addressee, destroy in accordance with law enforcement procedures, (including shredding), and dispose into ordinary refuse waste. Complete report and conduct investigation.

- Place envelope/package at a minimum in double-sealed plastic bags. Mark contents, date, and recovery location on bag and case number. Include the name and telephone of the person who bagged the material. Complete and submit Appendix C with the sample.
SECTION 3. CONTINUED.

- Coordinate delivery to County Health Department Laboratory with responsible law enforcement agency or other appropriate agency.

- Remove gloves and wash hands with anti-bacterial soap and water for 1 minute.

- Have anyone else who contacted envelope/package wash hands with anti-bacterial soap and water for 1 minute.

- Place medical gloves and face mask in sealed plastic bag and dispose of in regular trash.

- Wash eye protection glasses with anti-bacterial soap and water.
SECTION 4. MINOR SPILL OF UNKNOWN POWDER (LESS THAN 1 CUP), NO EXPOSURES AND NO CREDIBLE THREAT, AND NO REASONABLE INDICATION OF A HAZARD.

☐ Attempt to identify the substance or package from witness(es), sender, or container. Assess which scenario is present by using “KEY INDICATORS OF A CREDIBLE THREAT” (Appendix A) and “CLUES TO DETERMINE IF A PARCEL MAY BE SUSPICIOUS” (Appendix B).

☐ Avoid contact with substance and remain upwind.

☐ Use universal precautions: Latex medical gloves. N95 face mask (or better). Plastic eye protection glasses.

☐ Attempt to identify substance through witness(es) or container.

☐ Soak substance with liquid household bleach.

☐ Flush saturated substance with copious amount of water.

☐ Soak medical gloves and face mask in liquid household bleach, place in double sealed plastic bags, and dispose in regular trash.

☐ Wash hands with anti-bacterial soap and water for 1 minute.

☐ Wash eye protection glasses with anti-bacterial soap and water.

☐ Complete written report, including all requested information.
SECTION 5. INDOOR SPILL OF UNKNOWN/SUSPICIOUS SUBSTANCE, NO THREAT, AND AN UNKNOWN HAZARD.

☐ Attempt to identify the substance or package from witness(es), sender, or container. Assess which scenario is present by using “KEY INDICATORS OF A CREDIBLE THREAT” (Appendix A) and “CLUES TO DETERMINE IF A PARCEL MAY BE SUSPICIOUS” (Appendix B).

☐ Treat as a Hazardous Material Incident for an unidentified hazard. Do not focus on a particular substance or develop tunnel vision.

☐ Follow established hazardous material response procedures.

☐ Use full structural safety clothing with SCBA.

☐ Isolate and deny entry.

☐ Request Monterey County Division of Environmental Health response.

☐ Responsible agency request Hazardous Material Team response.

☐ Notify local hospital of potential HazMat incident if individuals have been exposed.

☐ Isolate exposed individuals in Safe Refuge Area and hold for decontamination and medical follow-up (If no medical signs or symptoms present).

☐ Provide expedient decontamination of exposed individuals WITH medical signs/symptoms present with soap and water (shower preferable).
SECTION 6. LARGE OUTDOOR SPILL OF UNKNOWN SUBSTANCE, NO THREAT.

- Attempt to identify the substance or package from witness(es), sender, or container. Assess which scenario is present by using “KEY INDICATORS OF A CREDIBLE THREAT” (Appendix A) and “CLUES TO DETERMINE IF A PARCEL MAY BE SUSPICIOUS” (Appendix B).

- Treat as a Hazardous Material Incident for an unidentified hazard. Do not focus on a particular substance or develop tunnel vision.

- Follow established hazardous material response procedures.

- Avoid contact with substance and remain upwind/upslope.

- Use full structural safety clothing with SCBA.

- Isolate and deny entry.

- Request Monterey County Division of Environmental Health response.

- Responsible agency request Hazardous Material Team response.

- Notify local hospital of potential HazMat incident.

- Isolate exposed individuals in Safe Refuge Area and hold for decontamination and medical follow-up (If no medical signs or symptoms present).

- Provide expedient decontamination of exposed individuals WITH medical signs/symptoms present with soap and water (shower preferable).
SECTION 7. OPENED ENVELOPE/PACKAGE WITH SUSPICIOUS SUBSTANCE, OR SUBSTANCE SPILLED OR LEAKING FROM ENVELOPE/PACKAGE, AND ARTICULATED THREAT.

- Attempt to identify the substance or package from witness(es), sender, or container. Assess which scenario is present by using “KEY INDICATORS OF A CREDIBLE THREAT” (Appendix A) and “CLUES TO DETERMINE IF A PARCEL MAY BE SUSPICIOUS” (Appendix B).

- Local law enforcement will contact FBI for threat assessment.

- If a credible, or positive for hazardous agents, the FBI may respond and handle the evidence. Test to confirm the presence of biological agents will need to be conducted at the Monterey County Public Health Laboratory. Complete and submit Appendix C with the sample.

- Have law enforcement process on the basis of criminal intent.

- At a minimum, bag specimens in a double sealed plastic bag for delivery to an appropriate lab in consultation with the FBI, local hazardous-material team and your local Public Health Department. Observe appropriate chain-of-custody measures. (If there is a danger, the unknown material may dissipate or otherwise disappear, photograph and take at least two (2) samples [one for primary lab work and one for criminal evidence].)

- Avoid contact with package/substance and remain upwind/upslope.

- Use full structural safety clothing with SCBA.

- Isolate and deny entry.

- Request Monterey County Division of Environmental Health Response.

- Responsible agency request Hazardous Material Team response.
SECTION 7. CONTINUED.

- Notify local hospital of potential HazMat incident.

- Isolate exposed individuals in Safe Refuge Area and hold for determination of decontamination and medical follow-up (If no medical signs or symptoms present).

- Provide expedient decontamination of exposed individuals \textbf{WITH} medical signs/symptoms present with soap and water (shower preferable).

- Wash hands with anti-bacterial soap and water for 1 minute.

- Treat as a Hazardous Material Incident for an unidentified hazard. Do not focus on a particular substance or develop tunnel vision.

- Follow established hazardous material response procedures.
APPENDIX A

KEY INDICATORS OF A CREDIBLE THREAT

1. Envelope or package contains some form of an articulated threat (written threat, photos, etc.), or

2. An articulated threat was conveyed to that location, business or person by E-mail, telephone message, etc., or,

3. Some type of material such as powder, liquid, which cannot be easily explained as usual or common for that item, area or location, or,

4. The recipient addressee or the site at which the item was received is a likely target.
CLUES TO DETERMINE IF A PARCEL MAY BE SUSPICIOUS

1. Regular postage stamps used instead of meter imprint/strip.
2. Excessive postage, tape, or string used.
3. Scotch tape used to seal an envelope.
4. Address (and return) written or hand printed instead of labeled or machine/computer printed.
5. Written address with no return address.
6. Letter/package addressed to someone no longer with organization or is otherwise outdated.
7. No return address, or return address cannot be verified as legitimate or that is bogus, or totally unfamiliar to the addressee.
8. Written return address/zip code does not match or correspond to postmark, or postal hand stamp.
9. Unusual weight given letter/package size, or is lopsided or oddly shaped.
10. Marked with restrictive endorsements, such as “Personal” or “Confidential”.
11. When envelope held up to bright light, a fine residue powder or granular substance might be in evidence.
12. When tipped side to side, package or envelope contents might reveal noise like sand inside.
13. There is no letter inside the envelope when held up to the light.
14. Any additional non-standard statements written or printed on the package or envelope.
15. Strange odor emanating from the parcel or stains on the parcel.
Appendix C

Biological Agent Threat Questionnaire

A. VICTIM/REPORTING PARTY/RECIPIENT:

1. Name: ____________________________________________
   Address: __________________________________________
   __________________________________________
   Telephone No. _____________________________________
   Date of Birth: _____________________________________
   Occupation: ________________________________
   Duties: _______________________________________

2. □ Business
   □ Residence

3. Mail or telephone threat(s) received? □ Yes  □ No
   If yes, give details: _________________________________
   ___________________________________________________________________
   ___________________________________________________________________
   ___________________________________________________________________
   ___________________________________________________________________
4. Does victim/reporting party/recipient believe he/she may be targeted?
   □ Yes □ No
   If yes, explain: __________________________________________
   __________________________________________

B. ENVELOP/PACKAGE:

1. Addressee: __________________________________________
   __________________________________________
   __________________________________________

2. Return Address: ______________________________________
   __________________________________________
   __________________________________________

3. □ Typewritten □ Handwritten

4. Postmark present? □ Yes □ No
   If yes, where? _________________________________________

5. Postage stamp(s)? □ Type: ________ How many: ____
   Postage meter strip □

6. Type of envelope: □ Personal □ Business □ Other

7. How was envelope sealed? □ Tape □ Adhesive □ Other

8. Any additional exterior markings? ______________________
   __________________________________________
9. Any exterior stains? ____________________________________________
   ____________________________________________________________
   ____________________________________________________________

C. LETTER:
1. Contents: ____________________________________________________
   ____________________________________________________________

2. Any overt threat contained in letter? ❑ Yes ❑ No
   If yes, describe exactly: ________________________________________
   ____________________________________________________________
   ____________________________________________________________

3. Any visible stains on letter? ❑ Yes ❑ No
   If yes, describe: _____________________________________________
   ____________________________________________________________
   ____________________________________________________________

D. FOREIGN MATERIAL WITHIN ENVELOPE:
1. Describe material found within envelope.
   Solid material: Color:__________________________________________
   Granule size & shape: ________________________________
   ____________________________________________________________
Describe any odor: __________________________

_______________________________

Did material appear to become airborne upon opening?  □ Yes  □ No

Liquid material:  Describe container type and size:  _____

_______________________________

_______________________________

Container material:

□ Glass  □ Plastic  □ Metal  □ Other: _____

Color of liquid:  ________________________

□ Transparent  □ Opaque

Is liquid leaking from container?  □ Yes  □ No

D. EXPOSURE:

1. Date/Time envelope received: __________________________

2. Mode of Delivery (USPS, UPS, FedEx, etc.):  __________

3. Current location of envelope and letter:  ________________

4. Area(s) of body exposed:  ______________________________

____________________________________

5. Spill:  □ Yes  □ No  Size:  __________________________
6. Others who had contact with envelope or product: (Complete list of exposed people.)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

E. HEALTH:

1. Is victim/reporting party/recipient experiencing any physical symptoms?

☐ Yes  ☐ No

If yes, describe: ______________________________________
________________________________________________________________________
________________________________________________________________________

2. How long after exposure did symptoms occur? __________

3. Has victim/reporting party/recipient seen a doctor?  ☐ Yes  ☐ No

If yes, name and phone number of doctor: ________________
________________________________________________________________________

F. NOTIFICATIONS.

1. Has victim/reporting party/recipient notified any of the following?

☐ Police or Sheriff  ☐ Fire Department

☐ HazMat Team  ☐ Health Dept.

☐ Other: ________________________________
2. Has law enforcement notified FBI? What was their response?

☐ Yes  ☐ No

_______________________________________________________________

G. CHAIN OF CUSTODY.

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*0 = In the same area.
1 = In the same room
2 = Sniffed/touched substance
SART Protocol Appen 2020 -compressed.pdf
APPENDICES

1. Important Links..............................................................................................................page 27
   o Cal-OES Forms and instructions for forms 2-923, 2-924, 2-925, 2-930, 2-950, 2-920
   o Suspected Child Abuse Report (SCAR)
   o California State Protocols for Forensic Exams
   o Link to Monterey County CSEC Protocol
   o Link to CDC guidelines for nPEP
   o Link to CDC guidelines for treating victims of sexual assault
   o Link to SAU Victim Bill of Rights

2. IAFN Strangulation Documentation Forms...............................................................page 28

3. RADS Instructions.......................................................................................................page 36

4. NIR Procedure.............................................................................................................page 39

5. Loss of Awareness Victim Protocol.............................................................................page 41

6. Medical Screening Exam.............................................................................................page 42

7. Temporary COVID-19 Protocol (Tele-SART) alternative pandemic response......page 44
Important Links

1. Cal-OES forms and instructions may be downloaded from http://ccfmc.org

2. A fillable Suspected Child Abuse Report (SCAR) and instructions may be found at http://nochildabuse.org

3. California State Protocols may be found at http://ccfmc.org

4. The CDC Guidelines for Post-Exposure Prophylaxis may be found at https://stacks.cdc.gov/view/cdc/38856

5. The CDC Guidelines for treatment for sexual assault may be found at https://www.cdc.gov/std/tg2015/default.htm

6. The Victim’s Bill of Rights may be found at https://oag.ca.gov/victimservices/content/bill_of_rights

7. For a full copy of the Tri-County CSEC MOU visit http://www.cdss.ca.gov/cseceextranet/res/PDF/CIP/TriCounty_y.pdf
NON-FATAL STRANGULATION DOCUMENTATION FORM

Patient Name: __________________________
Date: ________________________________
Medical Record Number: __________________________
Time: ________________________________

Strangulation is a serious event that often occurs in the context of intimate partner violence (IPV). Many times strangulation presents NO VISIBLE INJURIES. It is important to ask about strangulation in all IPV cases, and document positive disclosure or any signs and symptoms.

Strangulation Event History
How long did the strangulation last? ______ seconds ______ minutes ______ cannot recall
How many times did strangulation occur? ______ Why/how did the strangulation stop?

________________________________________
Was the patient smothered? □No □Yes (describe)

________________________________________
Was the patient shaken during the incident? □No □Yes (describe)

________________________________________
Was the patient’s head pounded against any object during the incident? □No □Yes (describe)

________________________________________
Was the patient slapped, kicked, or bitten anywhere? □No □Yes (describe)

________________________________________
Was the assailant wearing any jewelry on hands or wrists? □Unknown □No □Yes (describe)

Describe the neck pressure during strangulation on a 0–10 scale (0=no pressure and 10=crushing pressure):

________________________________________
What is the measurement of the patient’s neck circumference?

________________________________________
Was the patient sexually assaulted? □No □Yes

What was the patient thinking during the strangulation?

________________________________________

What did the assailant say before, during, or after the strangulation?

________________________________________
Describe mannequin demonstration (where applicable)

15

International Association of Forensic Nurses □ www.ForensicNurses.org
Signs/Symptoms of Strangulation The following signs/symptoms should be asked about, assessed for and documented in writing, with body mapping, and by photo-imaging (if applicable). Check ALL that apply.

Signs Prior to Strangulation
During Strangulation
After Strangulation
At time of Assessment
Face □ Red, flushed □ Petechiae □ Abrasions □ Cuts □ Lacerations □ Discoloration □
Swelling □ Other ________________

□ Red, flushed □ Petechiae □ Abrasions □ Cuts □ Lacerations □ Discoloration □ Swelling
□ Other ________________

□ Red, flushed □ Petechiae □ Abrasions □ Cuts □ Lacerations □ Discoloration □ Swelling
□ Other ________________

□ Red, flushed □ Petechiae □ Abrasions □ Cuts □ Lacerations □ Discoloration □ Swelling
□ Other ________________

□ Red, flushed □ Petechiae □ Abrasions □ Cuts □ Lacerations □ Discoloration □ Swelling
□ Other ________________

Eyes □ Discoloration □ Swelling □ Abrasions □ Petechiae: Conjunctiva □ Right
□ Left Eyelids □ Upper right □ Lower right □ Upper left □ Lower left

□ Subconjunctival hemorrhage □ Right □ Left
□ Ptosis □ Right □ Left
□ Vascular congestion □ Right □ Left

□ Other ________________
□ Discoloration □ Swelling □ Abrasions □ Petechiae: Conjunctiva □ Right □
Left Eyelids □ Upper right □ Lower right □ Upper left □ Lower left

□ Subconjunctival hemorrhage □ Right □ Left
□ Ptosis □ Right □ Left
<table>
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<tr>
<th>Location</th>
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<td>Ears</td>
<td>Petechiae □ Right □ Left □ Bleeding from ear canal □ Right</td>
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Chest □ Redness □ Scratch marks/ abrasions □ Bruises □ Neck pain _____ (Pain scale 0–10) □ Bruises □ Swelling □ Subcutaneous □ emphysema □ Other

□ Redness □ Scratch marks/ abrasions □ Bruises □ Neck pain _____ (Pain scale 0–10) □ Bruises □ Swelling □ Subcutaneous □ emphysema □ Other

□ Redness □ Scratch marks/ abrasions □ Bruises □ Neck pain _____ (Pain scale 0–10) □ Bruises □ Swelling □ Subcutaneous □ emphysema □ Other

Symptoms Prior to Strangulation
During Strangulation
After Strangulation
At time of Assessment
Behavioral □ Agitation □ Combative □ Anxiety □ Memory disruption □ Confusion □ Other

□ Agitation □ Combative □ Anxiety □ Memory disruption □ Confusion □ Other

□ Agitation □ Combative □ Anxiety □ Memory disruption □ Confusion □ Other

□ Agitation □ Combative □ Anxiety □ Memory disruption □ Confusion □ Other

Neurological □ LOC □ Uncertain if LOC □ Incontinence of urine □ Incontinence of feces □ Seizures □ Headache _____ (Pain scale 0–10) □ Dizzy □ Fainting □ Tinnitus □ Visual changes □ Other

□ LOC □ Uncertain if LOC □ Incontinence of urine □ Incontinence of feces □ Seizures □ Headache _____ (Pain scale 0–10) □ Dizzy □ Fainting □ Tinnitus □ Visual changes □ Other

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□ LOC □ Uncertain if LOC □ Incontinence of urine □ Incontinence of feces □ Seizures □ Headache _____ (Pain scale 0–10) □ Dizzy □ Fainting □ Tinnitus □ Visual changes □ Other

Throat/Voice □ Dysphagia □ Odynophagia (pain) □ Dysphagia □ Aphasia □ Drooling or Inability to swallow □ Throat pain_____ (Pain scale 0–10) □ Hoarse/Raspy □ Other

□ Dysphagia □ Odynophagia (pain) □ Dysphagia □ Aphasia □ Drooling or Inability to swallow □ Throat pain_____ (Pain scale 0–10) □ Hoarse/Raspy □ Other
☐ Dysphagia ☐ Odynophagia (pain) ☐ Dysphasia ☐ Aphasia ☐ Drooling or Inability to swallow ☐ Throat pain____ (Pain scale 0–10) ☐ Hoarse/Raspy ☐ Other

☐ Dysphagia ☐ Odynophagia (pain) ☐ Dysphasia ☐ Aphasia ☐ Drooling or Inability to swallow ☐ Throat pain____ (Pain scale 0–10) ☐ Hoarse/Raspy ☐ Other

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Symptoms Prior to Strangulation
○ During Strangulation
○ After Strangulation
○ At time of Assessment
○ Respiratory ☐ Stridor ☐ Coughing ☐ Hyperventilation ☐ Respiratory distress ☐ Hemoptyisis ☐ Inability to tolerate supine position ☐ Other ______

☐ Stridor ☐ Hoarseness ☐ Hyperventilation ☐ Respiratory distress ☐ Hemoptyisis ☐ Inability to tolerate supine position ☐ Other ______

☐ Stridor ☐ Hoarseness ☐ Hyperventilation ☐ Respiratory distress ☐ Hemoptyisis ☐ Inability to tolerate supine position ☐ Other ______

☐ Stridor ☐ Hoarseness ☐ Hyperventilation ☐ Respiratory distress ☐ Hemoptyisis ☐ Inability to tolerate supine position ☐ Other ______

Gynecological ☐ Vaginal bleeding ☐ Pregnant ☐ Contraction ☐ FHR ____ ☐ Other ______

☐ Vaginal bleeding ☐ Pregnant ☐ Contraction ☐ FHR ____ ☐ Other ______

☐ Vaginal bleeding ☐ Pregnant ☐ Contraction ☐ FHR ____ ☐ Other ______

☐ Vaginal bleeding ☐ Pregnant ☐ Contraction ☐ FHR ____ ☐ Other ______

☐ EDC ______

Genitourinary ☐ Dysuria ☐ Other ______

☐ Dysuria ☐ Other ______

☐ Dysuria ☐ Other ______

☐ Dysuria ☐ Other ______

Gastrointestinal ☐ Nausea ☐ Vomiting ☐ Anal/rectal bleeding ☐ Abdominal pain ___ (scale 0-10)

☐ Nausea ☐ Vomiting ☐ Anal/rectal bleeding ☐ Abdominal pain ____ (scale 0-10)
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Please indicate all injuries checked above on the body maps below.

Notes

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EXAMPLE STRANGULATION DISCHARGE INSTRUCTIONS
Because you have reported being “choked” or strangled, we are providing you with the following instructions:

Make sure someone stays with you for the next 24–72 hours after this event.

Health complications can appear immediately or may develop a few days after a strangulation event. Please call 911 or report immediately to the nearest emergency department if you notice any of the following: • Problems breathing, difficulty breathing while lying down, shortness of breath, persistent cough, or coughing up blood • Loss of consciousness or “passing out” • Changes in your voice or difficulty speaking • Difficulty swallowing, a lump in your throat, or muscle spasms in your throat or neck • Swelling to your throat, neck, or tongue • Increasing neck pain • Left- or right-sided weakness, numbness, or tingling • Drooping eyelid • Difficulty speaking or understanding speech • Difficulty walking • Headache not relieved by pain medication • Dizziness, lightheadedness or changes in your vision • Pinpoint red or purple dots on your face or neck, or burst blood vessels in your eye • Seizures • Behavioral changes, memory loss, or confusion • Thoughts of harming yourself or others

If you are pregnant, report the strangulation and any of the following symptoms to your doctor immediately: • Decreased movement of the baby • Vaginal spotting or bleeding • Abdominal pain • Contractions
You may notice some bruising or mild discomfort. Apply ice to the sore areas for 20 minutes at a time, 4 times per day, for the first 2 days. If you notice new bruising or injury, follow up for additional photo-documentation.

After your initial evaluation, keep a list of any changes in symptoms to share with your healthcare provider and your law enforcement contact. ● It is important to have a follow-up medical screening in 1–2 weeks with your healthcare provider. ● A follow-up forensic examination is needed within 72 hours.

Please follow up with the crisis/advocacy center at ______________________ to clarify your options and discuss safety planning. If you have questions or concerns regarding your legal case, please contact the police department, officer involved, prosecutor, or victim advocate by calling ____________________.

Forensic Nurse: __________________________ Phone: __________________________
RADS POLICY AND PROCEDURE

I. DEFINITION

RADS is a partial evidence kit that is sent directly to the DOJ DNA lab by the examiner to ensure the prompt analysis of all sexual assault evidence kits. The examiner chooses the most probative swabs and mails the evidence directly to the lab.

II. COLLECTION

RADS evidence collection will be done for all exams with the following exceptions:
1. NIR exams when the victim states they had consensual sexual activities in the past 5 days, or they decline.
2. Victims who are in custody in the state prison.

II. PROCEDURE

1. Acute examination and evidence collection follow the usual procedure.
2. No extra swabs are collected.
3. One of the 2 buccal swabs is put into the RADS envelope as a reference.
4. Up to 3 probative evidence swabs are chosen to submit in the RADS envelope by the examiner. Examples:
   - Breasts, labia, cervix
   - Labia, cervix, anus
   - If choosing between neck and breast swabs, breast swabs are more probative.
   - Suction injuries and bitemarks swabs are good choices.

III. DOCUMENTATION

On the terminal page of the Cal-OES 2-923 or 2-930 form, the way the swabs were divided is documented.
1. Next to “Buccal” (reference swab) “1 + 1 RADS” is written.
2. The same is done for all evidence swabs that are split from the evidence kit and placed in the RADS envelope.

Example: If the two cervical swabs are split, “1 + 1 RADS” is documented in the box beside “cervical.”
Documentation Examples:

N. REFERENCE SAMPLES

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Yes</th>
<th>Collected by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blood (lavender top tube)</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blood (yellow top tube)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blood Card (optional)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buccal Swabs (optional)</td>
<td>1+1 RADS</td>
<td>S. Smith, R.N.</td>
<td></td>
</tr>
<tr>
<td>Saliva Swabs</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Head hair</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pubic hair</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Oral/genital/anal/rectal samples

<table>
<thead>
<tr>
<th></th>
<th># Swabs</th>
<th>Time Collected</th>
<th>Collected by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oral</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vaginal</td>
<td>4</td>
<td>1800</td>
<td>SS</td>
</tr>
<tr>
<td>Cervical</td>
<td>1+1 RADS</td>
<td>1800</td>
<td>SS</td>
</tr>
<tr>
<td>Anal</td>
<td>1+1 RADS</td>
<td>1800</td>
<td>SS</td>
</tr>
<tr>
<td>Rectal</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Penile</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scrotal</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Suction Injury, mons, or breast swabs:

<table>
<thead>
<tr>
<th>Locator #</th>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>SI, PS</td>
<td>1x1 cm, Red, Right Breast 1+1 RADS</td>
</tr>
<tr>
<td>G1</td>
<td>SHX</td>
<td>Mons 1+1 RADS</td>
</tr>
<tr>
<td>A5</td>
<td>SI/PS</td>
<td>Left Breast 1+1 RADS</td>
</tr>
</tbody>
</table>

IV. PACKAGING

1. 4 RADS swabs are placed into 4 individual, labeled, swab boxes.
2. The box containing the BUCCAL swab is placed alone in one of the narrow manila envelopes
   a. Contents of the envelope is written on the front of the envelope.
   b. A desiccant is placed in the envelope and the envelope is tape-sealed.
3. The remaining 3 labeled swab boxes are placed in the other narrow manila envelope.
   a. The contents are written on the front.
   b. A desiccant is placed in the envelope and the envelope is tape-sealed.
4. Both sealed envelopes are placed in the larger manila envelope.
5. The larger envelope is tape-sealed.
6. All areas of the larger envelope must be completed.
7. The sealed manila envelope containing all 4 swabs is placed in the pre-paid mailer envelope.
8. The narrow portion of the tracking label is affixed to the front page of the Cal OES form.
9. The larger portion of the tracking label is affixed to the outside of the mailer envelope.
10. A copy of the Cal OES form (with the tracking sticker) is also placed in the mailer envelope.
11. The mailer envelope is tape-sealed.
12. A green sticker is secured on the foot of the evidence kit to alert law enforcement that swabs were split and sent to the DNA lab.
13. THE RADS ENVELOPE is placed in the U.S.P.S. mail by the examiner.

V. RESULTS
1. Results will be disclosed to the agency that requested the evidentiary exam, to the SART Coordinator, and to the Office of the District Attorney.
2. If positive results are reported for a NIR case, the SART Coordinator will contact the Law Enforcement Agency and offer to share the information with the victim and communicate with the agency if the victim wished to open an investigation.
Non-Investigative Report (NIR) Procedure

1. Patient requests sexual assault forensic exam and declines interaction with law enforcement at the time of the request.

2. Forensic Examiner is contacted.

3. Forensic Examiner speaks with patient and determines if a forensic exam is appropriate as related to the nature of the assault and time frame given according to the patient’s history of the event. If an exam is not appropriate, the patient will be referred to the Monterey County Rape Crisis Center or other agencies as needed.

4. The examiner will telephone the law enforcement agency from the jurisdiction where the assault occurred. The examiner will communicate the information that must be disclosed in accordance with Section 11163.2 of the Penal Code that is requested on the Cal OES 2-920 form. If the patient is unclear about the jurisdiction, the examiner will contact the agency for the jurisdiction that serves the hospital. The forensic examiner will obtain a case number from the police agency. The forensic examiner will contact an advocate by way of the answering service.

5. The patient will sign an informed consent per the 2-924 form and will complete the history portion of the form with the assistance of the examiner. An additional medical history form will be completed.

6. The exam will be conducted per the local protocol, including lab testing, photography, and prophylaxis. Buccal swabs will be collected routinely for standard, per local policy. Toxicology samples will be collected as indicated.

7. At the end of the exam, or at any time during the exam that is appropriate, the patient will be offered the opportunity to speak with law enforcement.

8. If the patient wishes to discuss their case with law enforcement, the case will be treated as a sexual assault forensic exam according to the local protocol, and all information and evidence will be given to the police to use for an investigation.

9. If the patient does not wish to include law enforcement in the process prior to leaving the hospital, the evidence kit will be sealed with a copy of the report inside, and the kit will be given to law enforcement to store for a minimum period of two years, after which time it may be destroyed if the patient has not requested an investigation. The law enforcement agency should attempt to contact the patient prior to destruction of the evidence. It is the patient’s responsibility to notify the police in writing of their contact information. The victim’s name will not be written on the evidence kit; only the case number that was furnished by the Police agency.

10. The examiner will provide a one-page Suspicious Injury Report (Cal OES 2-920) to the law enforcement agency to fulfill the CA mandated reporting requirement and a copy will be retained along with the Cal OES 2-924 form by the SART Coordinator.
11. The examiner will provide the patient with verbal and written follow-up information and how to reclaim property, as well as other written follow-up information per protocol.
12. The examiner will provide the POLICE with the following SEALED evidence and documents:
   - Sealed Evidence Kit that is labeled with the date of the exam and the case number NOT the patient’s name.
   - Sealed blood and urine samples, labeled with the date of the exam and the case number, NOT The patient’s name.
   - Copy of the Completed Cal OES 2-924 report that is sealed in the evidence kit.
LOSS OF AWARENESS/CONSCIOUSNESS PROTOCOL

1. Swab both sides of neck
2. Swab both breasts
3. Swab perioral region
4. Swab external genitalia
5. Swab perianal area
6. Collect swabs from all cavities (oral, vaginal, cervical, and anorectal via anoscope)
7. Package, label, and seal swabs
MEDICAL SCREENING EXAM
SART

CC: Acute Sexual Assault

Associated with:

<table>
<thead>
<tr>
<th>Condition</th>
<th>Y</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of Consciousness</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strangulation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Head Injury</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abdominal Injury</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bleeding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Severe Pain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other injury</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Known Pregnancy</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

T__ P__ R__ BP____

Emergent Concerns:

Respiratory Y N

Circulatory Y N

Neurological Y N

GI Y N

GU YN

Behavioral Y N

Toxicological Y N

COVID 19 Exposure or Symptoms Y N

Past Medical History:

Allergies:

_____________________

Medication/Substances:

_____________________

Past Hospitalizations:

_____________________

Menarche: G__ P__ AB__ LC__ LMP________________ Cycles________________

Contraception:

_____________________

Vaccinations: Hepatitis B: Y N Gardasil _____________ Date of last Tetanus: _____________

Last Meal_________________ Height ___________ Weight________________

Employment_________________ School_________________
Current Pain Level __/10. Onset, duration, exacerbation, amelioration:

Stable for Forensic Exam: Y N

Referred to Emergency Department for further evaluation Y N

Discharged to ____________________ after receiving written/verbal instructions with ____________________

At ____________________ (time) on ____________________ (date) in ____________________ condition.

Signature of examiner ____________________ Date/Time ____________________
Temporary COVID-19 Shelter in Place

Sexual Assault Response Team Protocol
October 2020

I. A temporary SART protocol will be effective April 3 and continue until the State of California and the County Health Officer lift the Stay at Home/Shelter in Place Order.

II. In light of the current Coronavirus public health advisory and CDC recommendations all healthcare providers and patients are faced with elevated risks and challenges in delivering healthcare, including forensic medical exam services. This protocol affords an alternate method of evidence collection while the patient remains safely sheltered in place and protects the health of not only the patient, but that of multidisciplinary members: Sexual Assault Forensic Examiners, Law Enforcement Personnel, and Sexual Assault Counselors.

III. In the midst of a pandemic, all healthcare facilities must be dedicated to essential health services. The potential of very high census of COVID-19 patients overwhelming local hospitals is expected. It is very difficult to maintain CDC’s Social Distancing recommendations with our community partners inside healthcare facilities, particularly during lengthy sexual assault forensic examinations.

IV. Exams will be conducted between the hours of 8 AM and 8 PM with limited exceptions.

V. All requests for exams will be evaluated on an individual basis.

Adult and Adolescent Patients

Home Exam (Tele-SART) Flow
• Patient contacts law enforcement.

• Law enforcement calls SAFE and requests a forensic exam.

• SAFE calls the patient and asks if the patient feels safe in the home.

• If the patient states they are safe at home and have adequate privacy, the SAFE will use the existing Medical Screening Exam tool to determine emergent care needs and appropriateness of exam given the time that has passed since the event, and types of acts that occurred.

• If the SAFE determines that an exam is not indicated, the patient will be given contact information for the Rape Crisis Center. If a physical exam must be done outside of the patient’s home, it will be conducted at the Child Advocacy Center between the hours of 8 AM and 8 PM.

• If a shelter-at home/acute sexual assault forensic exam is indicated, SAFE contacts the Law enforcement officer and requests that the officer deliver a kit to the patient’s door. A consent form and a urine cup, and a urine container for toxicology will be attached. (The supplies will be distributed to each agency).

• The SAFE sets up a HIPAA compliant telemedicine connection for the patient, Law enforcement Officer, SAFE, and Sexual Assault Counselor to communicate. Some patients may not have a microphone or camera on their computer or may not have WiFi and will need to use a cellphone to join the session. If the patient is using a cell phone, the SAFE will send the invitation by text to the patient’s phone and explain how to download the Zoom app. Another option is for the patient to view the Zoom session on the computer so that the nurse can demonstrate techniques on a larger screen use the phone for sound.

• The SAFE interviews the patient as usual, using the OES 923 Form with Law Enforcement and the Sexual Assault Counselor present, via a secure tele-medicine connection.

• After the interview, Law Enforcement leaves the telemedicine platform, delivers a kit, a urine cup for the hospital lab, a urine toxicology collection kit for the DOJ, and the first page of the 2-923 form for the patient’s consent, and waits on site in their patrol car.

• Using HIPAA compliant telemedicine, SAFE observes the patient
  1. Unseal the kit
  2. Wash their hands
3. Collect the samples: Suggested samples include 2 buccal swabs, 2 swabs from each breast, 2 labial swabs, 2 vaginal swabs, and 2 anal swabs. Consideration of the history of the assault will also determine swab collections for example if the patient reports a suction injury or exposure to semen on a body surface.
4. Seal the kit.

(This process should take approximately 30 minutes).

- SAFE notifies law enforcement that the kit is ready for pick up and
  1. Directs the patient to place the sealed kit, urine cups, and signed consent outside their door
  2. The law enforcement officer picks it up from the patient’s door.
- Law Enforcement delivers the evidence kit and the urine toxicology sample to the crime lab within 20 days.
- The Crime lab will ship evidence weekly to the RADs lab where 3 swabs will be chosen for DNA analysis.
- The SART Coordinator will scan or fax the completed OES 923 Form directly to the crime lab and the police.

**STI Testing and Medication**

If the patient requests prophylactic medication, the SAFE will arrange to meet the patient at the Child Advocacy Center.

1. The examiner will retrieve the urine from the patient in her car, take the specimen to the lab and do a stat test pregnancy test while the patient waits.
2. If serology is indicated or requested by the patient, the SAFE will obtain blood and order tests.
3. When a negative pregnancy test is resulted, the examiner will provide prophylactic medications to the patient.

**Emergent Care Needs**
If a patient must be seen in the hospital due to emergent needs (excessive bleeding, strangulation, severe pain, pregnancy, or other concerns) they should seek medical attention in an appropriate healthcare facility.

A SAFE may or may not be able to conduct the forensic exam in the healthcare facility at that time.

If a forensic exam is not done in the emergency department, it will be offered between the hours of 8 AM and 8 PM after the patient has received medical treatment and returned to their home. Exceptions to conduct exams between the hours of 8 PM and 8 AM will be made on a case-by-case basis.

**Suspect and In-custody Exams**

The Emergency department exam room may or may not be available for forensic exams. This means it may not be possible to conduct suspect exams or in-custody exams immediately when requested. Decisions will be made on a case-by-case basis. The county jail may be considered as an alternative location for suspect exams if no emergency department rooms can be used in a timely manner.

**Non-Investigative Reports**

It may not be possible to offer Abbreviated (NIR) exams if the patient is quarantined. Decisions will be made on a case-by-case basis.

**Pediatric exams**

Acute exams will be conducted at the Child Advocacy Center. Law enforcement and the SAFE will make a joint decision on a case by case basis for non-acute exams. The DA’s office and CAC staff will decide on the need for a CFIT interview.
5010 Collision Investigation Prior 8703.pdf
EMS SYSTEM EMERGENCY POLICY RELEASE

Date: April 13, 2017

To: Monterey County Law Enforcement Agencies
Monterey County EMS Service Providers
Monterey County Base Hospital Physicians
Monterey County Base Hospital Coordinators
Monterey County Receiving Hospitals

From: James Stubblefield, M. D., FACEP
Monterey County EMS Medical Director

Regarding: Emergency Policy Release of Law Enforcement Use of Intranasal Naloxone Policy

Monterey County EMS System Policy 1000: Policy and Procedure Development Process, Section IV, A, 3, prescribes that the EMS Director and EMS Medical Director may immediately and without prior notice implement a new or significantly revised EMS Agency policy to protect public health and safety.

Pursuant to Monterey County EMS System Policy 1000: Policy and Procedure Development Process, Section IV, A, 3, the EMS Agency is releasing an EMS System Policy to allow authorized and properly trained law enforcement personnel within Monterey County to administer naloxone (Narcan) as provided within the attached policy, which is designated EMS System Policy 4512: Law Enforcement Administration of Intranasal Naloxone (Narcan). This policy will be effective on Monday, April 17, 2017.

Pursuant to Monterey County EMS System Policy 1000, this policy shall be effective as stipulated and valid for 90 days from the initial effective date. Within 60 days of the initial effective date, the policy shall be released for the public comment following the procedures in Policy 1000, Section IV. The EMS Director and EMS Medical Director may extend a policy without public comment for one additional 90-day period, for a total of 180 days from the initial effective date.

EMS responders at the EMR, EMT or Paramedic level may continue providing patient care after law enforcement administration of naloxone.
Questions regarding this policy should be directed to:

Steve Brooks, EMS Analyst
Monterey County EMS Agency
1270 Natividad Rd.
Salinas, CA 93906
(831) 755-4948
brookssp@co.monterey.ca.us

APPROVED FOR EMERGENCY POLICY RELEASE PURSUANT TO EMS SYSTEM POLICY 1000

James Stubblefield, M.D., FACEP
EMS Medical Director

Mike Petrie
Michael Petrie, EMT-P, MBA, MA
EMS Bureau Chief
LAW ENFORCEMENT ADMINISTRATION OF INTRANASAL NALOXONE (NARCAN)

I. PURPOSE

To establish the process for law enforcement agencies and personnel to obtain approval to provide intranasal naloxone.

To delineate the procedure for use of intranasal naloxone.

II. DEFINITIONS

A. Law enforcement personnel are peace officers required to complete the CPR and first aid training described in California Code of Regulations, Title 22, Division 9, Section 100017.

B. Intranasal naloxone is a commercially prepared device containing naloxone hydrochloride intended to deliver the naloxone hydrochloride intranasally.

C. Cardio-Pulmonary Resuscitation (CPR) training is a course of instruction in CPR equivalent to the Healthcare Provider level or BLS Provider level as established by the American Heart Association and includes both cognitive and skill testing.

III. POLICY

A. Law enforcement personnel working for agencies in Monterey County that received approval by the Monterey County EMS Agency to administer intranasal naloxone may provide 4.0 mg. intranasal naloxone following the procedure outlined in this policy.

B. Law enforcement agencies must complete the following before using intranasal naloxone.
   1. Submit an application to the EMS Agency requesting approval of the intranasal naloxone program.
   2. Submit the training course outline to the EMS Agency as outlined below.
   3. Designate a point of contact for the program and provide contact information for the individual to the EMS Agency.

C. Law enforcement personnel must have successfully completed CPR and First Aid training or retraining to the standards set in California Code of Regulations, Title 22, Section 100017.

D. The course of instruction in the administration of intranasal Naloxone must minimally include the topics and skills required by California Code of Regulations, Title 22, Division 9, Section 100019(f). The course shall be submitted to the EMS Agency for approval before conducting the course. The course may not be held until course approval.
by the EMS Agency has been granted. Course approval may be granted for up to four (4) years.

E. Retraining in the use of intranasal Naloxone will be provided to the law enforcement personnel at least every two years. Retraining will include demonstration of the skill.

F. Law enforcement personnel shall follow the guidelines established by the American Heart Association for CPR.

G. Law enforcement agencies shall report to the EMS Agency, using the EMS Agency designated form, within 48 hours following the use of each administration of intranasal naloxone.

H. The EMS Agency will review each use of intranasal naloxone.

IV. PROCEDURE TO ADMINISTER INTRANASAL NALOXONE

A. Identify the victim of possible opioid overdose.
B. Ensure EMS has been activated
C. Maintain standard blood and body fluid precautions and use personal protective equipment
D. Stimulate the patient if unresponsive using sternal rub technique.
E. Ensure an open airway using Basic Life Support techniques.
F. Perform rescue breathing, if indicated, using bag-valve-mask or protective face shield.
G. If patient is in cardiac arrest as demonstrated by absence of life signs, begin CPR.
H. Administer 4.0 mg. intranasal naloxone, following the procedure learned in training.
I. Continue CPR, rescue breathing, or provide other first aid as indicated.
J. Prepare for possible narcotic reversal behavior or withdrawal symptoms such as vomiting, agitation, aggression, irritability, etc.
K. Notify responding EMS personnel of administration of naloxone.
L. Report the use of naloxone to the EMS Agency on the designated report form.
M. Replace the used naloxone device with another intranasal naloxone administration device.

V. PROCEDURE FOR REPORTING ADMINISTRATION OF INTRANASAL NALOXONE

A. Following the use of naloxone, complete Law Enforcement Administration of Intranasal Naloxone (Narcan) Report. This Form is attached as Policy 4512 A.

B. Forward Report through Law Enforcement Agency’s chain of command to the Monterey County EMS Agency within 48 hours of naloxone use.
# LAW ENFORCEMENT ADMINISTRATION OF INTRANASAL NALOXONE (NARCAN) REPORT

<table>
<thead>
<tr>
<th>Reporting Law Agency</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer Name</td>
<td>Time</td>
</tr>
<tr>
<td>Call Number</td>
<td>Responding Fire Dept.</td>
</tr>
<tr>
<td>Call Address</td>
<td>Responding Ambulance</td>
</tr>
<tr>
<td>Patient Name</td>
<td>Patient Date of Birth</td>
</tr>
</tbody>
</table>

## Initial Assessment

<table>
<thead>
<tr>
<th>Awake?</th>
<th>Yes</th>
<th>No</th>
<th>Speech clear?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

## Treatment Provided

<table>
<thead>
<tr>
<th>Reposition Airway</th>
<th>Rescue Breathing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>CPR</td>
<td>Administer Naloxone</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

## Assessment After Treatment

<table>
<thead>
<tr>
<th>Awake?</th>
<th>Yes</th>
<th>No</th>
<th>Speech clear?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

After completing, email to Monterey County EMS Agency within 48 hours
Email: EMSDutyOfficer@co.monterey.ca.us
3050 Critical Incident Stress Management Prior 9901.pdf
Lower Presidio Map.pdf
3461 Sobering Center Procedure.pdf
Monterey Police Department  
Procedure 3461  
Sobering Center

1. Purpose

The Sobering Center located at **119 Capitol Street, Salinas** is an alternative placement to jail for 647(f) PC arrests and first time offender DUIs. The center is open 24 hours a day / 7 days a week. The center has 5 male beds, 3 female beds and 2 non-gender (overflow) beds.

2. Who meets the Sobering Center Criteria

- The center will take 647(f) PC and first time offender DUI arrestees who are dropped off by Law Enforcement and have alcohol in their system. The arrestee can also be under the influence of controlled substances, but to qualify they must have **at least** a .001 BAC.
- The arrestee can be released to the Sobering Center per 849PC, or released on a citation.

3. Who DOES NOT meet the Sobering Center Criteria

- The arrestee cannot be passed out. They must be able to speak and answer questions.
- The arrestee cannot be physically combative.
- The arrestee must be willing to sign the “Intake Form.”
- The arrestee cannot be infested with parasites.
- The arrestee cannot be a sex registrant.
- The arrestee cannot have a medical condition that needs immediate attention.

4. Field Procedure

- Following the arrest, determine if the arrestee meets the criteria for the sobering center and obtain approval from the field supervisor.
- Call the Sobering Center **831-272-3983** to determine bed availability.
- Upon arrival at the Center, drive down the driveway to the back door.
- Escort subject inside and remove handcuffs.
- After subject signs the “Intake Form” staff will take over.

5. Report Procedure

- Complete a case report as normal, noting in the summary the subject was released to the Sobering Center.
- Supervisor approving the report checks TrackNet management box “Sobering Center”.
- CAT Sergeant will report Sobering Center transports in the CAT monthly report.

6. Post Release

The Sobering Center assumes all responsibility of the arrestee once they are in their custody. Any crimes committed will be referred to Salinas PD. A suddenly non-compliant arrestee will be driven home by Sobering Center Staff.
MONTEREY POLICE DEPARTMENT

PERFORMANCE OBSERVATION REPORT

INFORMATION
Employee Name:
Present Assignment:
Date:
Supervisor:

INCIDENT: (Include any pertinent information)

ACTION TAKEN (Bold and Underline those that Apply)

Performance Recognition, Close Supervision, Additional Training, Counseling, Other;

Follow-up Necessary; Yes/No,

EMPLOYEE SIGNATURE ________________________  DATE ______________

EMPLOYEE SIGNATURE ________________________  DATE ______________

PREPARER’S SIGNATURE ________________________ DATE ______________
4220 BWC-06-28-18 MAV Tagging Procedure.pdf
MONTEREY POLICE DEPARTMENT
PROCEDURE 4220
BODY WORN CAMERA (BWC) / MOBILE AUDIO/VIDEO (MAV) TAGGING
PROCEDURE

I. PURPOSE

The purpose of this procedure is to clearly identify how BWC/MAV recordings are to be “tagged.” All BWC/MAV recordings shall be “tagged” in accordance with this procedure.

II. BWC/MAV PROCEDURE FOR TAGGING DATA

A. Member(s) shall select one of the following tags for recordings they are involved with (definitions are found in MPD policy), selecting only one tag, listed in priority (if an event includes several of the listed categories, select the one listed highest on the list) as follows (§ 832.18 (b)(A)(B)(C) & (c)(1) PC):

- Officer-Involved Critical Incident or Homicide - “OFFICER INVOLVED” (Permanent)
- Major Incident – “MAJOR INCIDENT” (5 years)
- Sexual assault, arson, robbery, aggravated assault; attempted crimes involving these categories, any critical incident identified by a supervisor. See section III A, for annual review guidelines.
- Use of Force – “USE OF FORCE” (6 years)
- Arrest of Individual – “ARREST OF INDIVIDUAL” (5 years)
- Citation (citation issued) – “CITATION” (3 years)
- Detention of Individual – “DETENTION” (3 years)
- Search (any type of search) – “SEARCH” (3 years)
- Crime (investigating any type of crime) – “CRIME” (3 years)
- Confrontational encounter – “CONFRONTATION ENCOUNTER” (3 years)
- Other – “OTHER” (2 years)
- Test recording – “TEST RECORDING” (60 Days)

B. Members will review their recordings to ensure the tagging is correctly labeled.

C. Other “Tags” will appear as selections on BWC/MAV devices, but are only for MPD Administrative Use, and are the following:

- Complaint – “COMPLAINT” (6 years)
  - Any member who becomes aware of a complaint (informal or formal) will immediately advise a supervisor. The supervisor will ensure that the system administrator or their designee is aware of the complaint to “tag” the event in the system as “Complaint.”
MONTEREY POLICE DEPARTMENT – PROCEDURE 4220

Body Worn Camera (BWC) / Mobile Audio/Video (MAV) – Tagging Procedure

- **Civil Matter**  
  - “CIVIL” (10 years & updated)
  - Any matter that is identified by the City Risk Manager or City Attorney as a Civil Matter will be “tagged” by the BWC/MAV System Coordinator (or their designee) as “Civil Matter.”

- **Non-Disclosure**  
  - “NON-DISCL” (60 days)
  - If a member reasonably believes any of the following apply they should immediately notify their supervisor who will advise the BWC/MAV System Coordinator (or their designee) who will determine if the recording should be “tagged” as “non-disclosure.”
  - A complainant, victim or witness has requested non-disclosure.
  - A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
  - Disclosure may be an unreasonable violation of someone’s privacy.
  - Medical or mental health information is contained.
  - Disclosure may compromise an undercover officer or confidential informant.

### III. INVESTIGATIONS DIVISION REVIEW OF “MAJOR INCIDENT” RECORDINGS

A. During the first two weeks of every year, the Investigations Division Commander or his/her designee shall conduct an audit of all recordings maintained in the “MAJOR INCIDENT” category. Any recordings that no longer need to be maintained permanently shall be re-tagged as “CRIME”, allowing for their removal after a minimum of 3 years.

Circumstances allowing for the re-tagging of recordings could include: the adjudication of the criminal case and disposition from the DA’s office allowing for the destruction of evidence; the statute of limitations for a particular case being reached and no arrest made or charges filed.
4220 BWC-MAV Tagging.pdf
IIPP Appendices Final 08-2017.pdf
# CITY OF MONTEREY
## SAFETY CHARTER COMMITTEE

<table>
<thead>
<tr>
<th>Committee Name</th>
<th>Sponsor</th>
<th>Team Leader</th>
<th>Team Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Monterey Safety Committee</td>
<td>Human Resources</td>
<td>Safety Coordinator</td>
<td>Safety Coordinators as identified in the Injury and Illness Prevention Program</td>
</tr>
</tbody>
</table>

### Meeting Times/Location:
1st Thursday of every Month located in the Orca Conference Room

### Purpose
To help insure a safe and healthful workplace and compliance with federal, state, and local safety regulations through participation in:
- Monthly safety committee meetings per CCR, 8 3203, (c) et. al.
- Review quarterly safety inspections to help identify and correct hazards
- Injury and illness investigations to evaluate cause of injury and corrective action to prevent recurrence
- Communication between employees and management
- Schedule and review employee safety training

### Scope/Authority
- Provide advice and input to individual departments on safety matters
- Ensure that all employees are provided with a safe and healthy workplace
- Identify and discontinue unsafe practices and/or use of unsafe equipment
- Schedule required safety training
- Recommend corrective actions to address safety hazards
- Serve as communications conduit between employees and management on safety concerns

### Success Criteria
- Compliance with safety regulations and receive no OSHA citations
- Provide regularly scheduled employee safety training
- Fewer accidents and injuries
- Establishment of required safety programs
- Improved feedback regarding employees’ sense of safety and well-being

### Decision-Making Process
Strive for consensus; majority vote by area safety coordinators present to pass on recommendations; actions taken are subject to City Manager approval

### Product(s)
- Develop written safety programs in compliance with CCR, 8.
- Provide safety training and recordkeeping
- Produce quarterly periodic inspections reports
- Respond to employee safety concerns and/or suggestions

### Decision Communication
- Quarterly summary of accomplishments posted
- Use of internal and external communication tools to disseminate major actions

### Evaluation
Annual review by the Safety Committee and Management on committee effectiveness

APPENDIX A
<table>
<thead>
<tr>
<th>Department</th>
<th>Position</th>
<th>Name</th>
<th>Phone Number</th>
<th>E-mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager’s Office</td>
<td>Assistant City Manager</td>
<td>Hans Uslar</td>
<td>831-646-3884</td>
<td><a href="mailto:uslar@monterey.org">uslar@monterey.org</a></td>
</tr>
<tr>
<td>City Attorney’s Office</td>
<td>City Attorney</td>
<td>Chrissy Davi</td>
<td>831-646-1562</td>
<td><a href="mailto:davi@monterey.org">davi@monterey.org</a></td>
</tr>
<tr>
<td>Finance Department</td>
<td>Finance Director</td>
<td>Julie Porter</td>
<td>831-646-3724</td>
<td><a href="mailto:porter@monterey.org">porter@monterey.org</a></td>
</tr>
<tr>
<td>Finance Department</td>
<td>Finance Analyst</td>
<td>Michael Andersen</td>
<td>831-646-3948</td>
<td><a href="mailto:mandersen@monterey.org">mandersen@monterey.org</a></td>
</tr>
<tr>
<td>Human Resources</td>
<td>Human Resources Director</td>
<td>Allyson Hauck</td>
<td>831-646-3767</td>
<td><a href="mailto:hauck@monterey.org">hauck@monterey.org</a></td>
</tr>
<tr>
<td>Human Resources</td>
<td>Employee Relations Manager</td>
<td>Gina Russo</td>
<td>831-646-3423</td>
<td><a href="mailto:grusso@monterey.org">grusso@monterey.org</a></td>
</tr>
<tr>
<td>Information Resources / City Clerk</td>
<td>ISD Director / City Clerk</td>
<td>Bonnie Gawf</td>
<td>831-646-3754</td>
<td><a href="mailto:gawf@monterey.org">gawf@monterey.org</a></td>
</tr>
<tr>
<td>Fire Department</td>
<td>Fire Chief</td>
<td>Gaudenz Panholzer</td>
<td>831-646-6957</td>
<td><a href="mailto:panholzer@monterey.org">panholzer@monterey.org</a></td>
</tr>
<tr>
<td>Police Department</td>
<td>Police Chief</td>
<td>Dave Hober</td>
<td>831-646-3804</td>
<td><a href="mailto:hober@monterey.org">hober@monterey.org</a></td>
</tr>
<tr>
<td>Library</td>
<td>Library Director</td>
<td>Inga Waite</td>
<td>831-646-5602</td>
<td><a href="mailto:waite@monterey.org">waite@monterey.org</a></td>
</tr>
<tr>
<td>Community Services</td>
<td>Community Services Director</td>
<td>Kim Bui-Burton</td>
<td>831-646-5601</td>
<td><a href="mailto:buiburto@monterey.org">buiburto@monterey.org</a></td>
</tr>
<tr>
<td>Plans and Public Works</td>
<td>City Engineer</td>
<td>Steve Wittry</td>
<td>831-646-3448</td>
<td><a href="mailto:wittry@monterey.org">wittry@monterey.org</a></td>
</tr>
<tr>
<td>Plans and Public Works</td>
<td>Chief of Planning, Eng. and Env. Compliance</td>
<td>Kim Cole</td>
<td>831-646-3759</td>
<td><a href="mailto:cole@monterey.org">cole@monterey.org</a></td>
</tr>
</tbody>
</table>

Effective 9/1/17
### Tailgate Safety Meeting Report

<table>
<thead>
<tr>
<th>Date:</th>
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<tbody>
<tr>
<td>Department/Shop:</td>
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<tr>
<td>Meeting Leader (print):</td>
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<td>Meeting Leader (signature):</td>
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### Topic Discussed

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### Personnel in Attendance

<table>
<thead>
<tr>
<th>Employee Name (print clearly)</th>
<th>Employee Signature</th>
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</tr>
<tr>
<td>Job SAFETY ANALYSIS FORM</td>
<td>POTENTIAL ACCIDENTS OR HAZARDS</td>
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<tr>
<td>----------------------------</td>
<td>-------------------------------</td>
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<tr>
<td>Job: Example</td>
<td></td>
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<tr>
<td>Date:</td>
<td></td>
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<tr>
<td>Title of Person who does Job:</td>
<td></td>
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<tr>
<td>Title of Supervisor:</td>
<td></td>
</tr>
<tr>
<td>Department:</td>
<td>Division/section:</td>
</tr>
<tr>
<td>Required personal protective equipment:</td>
<td>Required material safety data sheets:</td>
</tr>
</tbody>
</table>

**SEQUENCE OF BASIC JOB STEPS**

Break the job down into its basic steps, e.g. what is done first, what is done next, and so on. You can do this by 1) observing the job, 2) discussing it with a knowledgeable person, 3) drawing on your knowledge of the job, or 4) a combination of the three. Record the steps in the normal order of occurrence. Describe what is done, not the details of how it is done. Usually three or four words are sufficient to describe each basic job step.

For each job step, ask yourself what accidents could happen to the person doing this job step. You can get the answers by, 1) observing the job, 2) discussing it with a knowledgeable person, 3) recalling past accidents, or 4) a combination of the three. Ask yourself, can the person be struck by or contacted by anything, can the person strike against or come in contact with anything; can the person be caught in, on or between anything, can the person fall, can the person overexert, does the step require repetitive motions; is the person overexposed to anything injurious, such as hazardous chemicals, noise, extreme temperatures, etc.?

For each potential accident or hazard, ask yourself how the person should do the job step to avoid the potential accident, or what should the person do or not do to avoid the accident. You can get your answers by, 1) observing the job for leads, 2) discussing precautions with a knowledgeable person, 3) drawing on your personal experience, or 4) a combination of all three. Be sure to describe specifically the precautions a person must take. Don't leave out important details. Number each separate recommended precaution with the same number as the potential accident or hazard. Use specific do and don't statements. Where appropriate, include the use of personal protective equipment, and safety apparatus, materials, and facilities that would mitigate the hazard.
<table>
<thead>
<tr>
<th>SEQUENCE OF BASIC JOB STEPS</th>
<th>POTENTIAL ACCIDENTS OR HAZARDS</th>
<th>RECOMMENDED SAFE JOB PROCEDURE</th>
</tr>
</thead>
<tbody>
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**JOB SAFETY ANALYSIS FORM**

- **Title of Person who does Job:**
- **Title of Supervisor:**
- **Analysis by:**
- **Department:**
- **Division/section:**
- **Reviewed by:**
- **Required personal protective equipment:**
- **Required material safety data sheets:**
- **Approved by:**

**APPENDIX D**
The following are violations of Cal/OSHA regulations, California Fire Code, California Building code, other standards, or are hazardous conditions that may cause injury or illness to employees at Metropolitan Electrical Construction, Inc. or possibly cause negative environmental impact, or interrupt the company’s ability to do business. These conditions require corrective action to ensure a safe and healthful workplace for employees and employer.

Findings which may not be directly traceable to an enforceable code or regulation are given in italics. Note that failure to abate these hazards may still put the City at risk of injury and/or loss, civil litigation, citation under the General Duty Clause (California Labor Code Section 6400), or other action.

<table>
<thead>
<tr>
<th>Item #</th>
<th>Finding</th>
<th>Risk Rating</th>
<th>Assigned To Or Work Order Number</th>
<th>Date Fixed</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
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The following items were previously identified and still need to be resolved.

<table>
<thead>
<tr>
<th>Item #</th>
<th>Finding</th>
<th>Risk Rating</th>
<th>Assigned To Or Work Order Number</th>
<th>Date Fixed</th>
<th>Initials</th>
</tr>
</thead>
<tbody>
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</table>

Please initial and date corrections as they are completed.

**Risk Assessment Class**

Class 1 - Critical (may cause death, serious injury, significant environmental impact, or substantial financial losses) and/or is likely to occur soon.

Class 2 - Serious (may cause injury, occupational illness, or environmental or property damage) and/or probably will occur in time.

Class 3 - Minor (probably would not affect personnel or environmental safety or health, but is a violation of specific criteria)
<table>
<thead>
<tr>
<th>Record</th>
<th>Minimum Retention (yrs)</th>
<th>Code citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Workplace inspections</td>
<td>1</td>
<td>8CCR3203(b)(1)</td>
</tr>
<tr>
<td>Training records (See below for exceptions)</td>
<td>1</td>
<td>8CCR3203(b)(2)</td>
</tr>
<tr>
<td>Safety committee meeting records</td>
<td>1</td>
<td>8CCR3203(c)(2)</td>
</tr>
<tr>
<td>Accident investigation records</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>OSHA300, 300A, 301</td>
<td>5</td>
<td>8CCR14300.33</td>
</tr>
<tr>
<td>Employee medical records</td>
<td>Termination of employment + 30 yrs</td>
<td>8CCR3204(d)(1)(A)</td>
</tr>
<tr>
<td>Employee exposure records (Includes all workplace monitoring data, MSDSs, Chemical inventories)</td>
<td>“At least” 30 yrs</td>
<td>8CCR3204(d)(1)(B)</td>
</tr>
<tr>
<td>Hazwaste manifest receipts</td>
<td>3</td>
<td>HSC25160.2(b)(3)&amp;(4)</td>
</tr>
<tr>
<td>Asbestos training records</td>
<td>Termination of employment + 1 year</td>
<td>8CCR1529(n)(4)</td>
</tr>
<tr>
<td>Notification of identification, location and quantity of asbestos</td>
<td>Duration of ownership of building; must be transferred to new owner</td>
<td>8CCR1529(n)(6)</td>
</tr>
<tr>
<td>Noise exposure measurements</td>
<td>2</td>
<td>8CCR5100(d)(1)</td>
</tr>
<tr>
<td>Audiometric test records</td>
<td>Duration of employment</td>
<td>8CCR5100(d)(2)</td>
</tr>
<tr>
<td>Maintenance of fire extinguishing systems</td>
<td>5</td>
<td>19CCR904.1(b)</td>
</tr>
<tr>
<td>Fire Alarm systems acceptance tests &amp; as-builts</td>
<td>Life of system</td>
<td>NFPA 72, 7-5.1</td>
</tr>
<tr>
<td>Fire Alarm systems annual maintenance, inspection &amp; testing</td>
<td>1 year past next test (e.g., 2 years)</td>
<td>NFPA 72, 7-5.2.1</td>
</tr>
<tr>
<td>Fire Sprinkler Maintenance &amp; Service Reports</td>
<td>5 yrs</td>
<td>19 CCR 904.1 &amp; 904.2</td>
</tr>
<tr>
<td>Fire Sprinkler Maintenance &amp; Service Reports</td>
<td>1 year past next test (e.g., 2 years)</td>
<td>NFPA 25, 4.3.5</td>
</tr>
<tr>
<td>Reports of testing on mechanical ventilation systems such as fume hoods</td>
<td>5 yrs</td>
<td>8 CCR 5143</td>
</tr>
<tr>
<td>Reports of testing on HVAC systems for building ventilation</td>
<td>5 yrs</td>
<td>8 CCR 5142(b)(2)</td>
</tr>
</tbody>
</table>
CITY OF MONTEREY
SAFETY SUGGESTION FORM

This form is for use by employees who wish to make suggestions or report an unsafe condition or practice.

Area of Unsafe Condition or Action: ____________________________________________

What Unsafe Condition or Action Did You See?: ___________________________________

____________________________________________________________________________

____________________________________________________________________________

What Do You Think Might Have Caused This?: ______________________________________

____________________________________________________________________________

____________________________________________________________________________

How Would You Suggest Improving Safety?: _________________________________________

____________________________________________________________________________

____________________________________________________________________________

Has This Been Reported to the Safety Coordinator? _________________________________

Name (optional): _____________________________ Date: _____________________________

THE CITY OF MONTEREY ENCOURAGES EMPLOYEES TO PARTICIPATE IN COMMUNICATIONS INVOLVING SAFETY.

THE CITY OF MONTEREY WILL INVESTIGATE EVERY SUGGESTION AND ADVISE THE EMPLOYEE OF THE RESPONSE IN A TIMELY MANNER.

Anonymous Suggestions: A response will be written and posted on the intraweb.

APPENDIX G
MEMORANDUM OF UNDERSTANDING

BETWEEN

THE NAVAL POSTGRADUATE SCHOOL SECURITY DEPARTMENT

AND

THE CITY OF MONTEREY CALIFORNIA POLICE DEPARTMENT

SUBJECT: POLICE SERVICES FOR THE NAVAL POSTGRADUATE SCHOOL,
MONTEREY, CALIFORNIA

1. Purpose. To delineate responsibilities of the City of Monterey, California (Monterey) Police Department regarding police services for the Naval Postgraduate School (NAVPGSCOL).

2. Jurisdiction.
   a. Status. As to criminal offenses committed upon lands of NAVPGSCOL, the United States and the State of California have concurrent jurisdiction.
   b. Discussion: For the United States to obtain jurisdiction over land acquired by the federal government in a state, there must be a grant of jurisdiction by the state. The grant of jurisdiction may rest on either a direct-consenting-statute or a general cession statute. A federal act of February 1, 1940, amended October 9, 1940 - 40 USC 255 - provides that the obtaining of exclusive jurisdiction on behalf of the United States is not required; and that to obtain any jurisdiction at all, the head of the federal agency must file a notice of acceptance with the state Governor, or in such manner as may be prescribed the laws of the state where the land is situated.
   c. Facts.

   (1) The California statute in effect with respect to the acquisition of jurisdiction over NAVPGSCOL lands was the Act of July 18, 1947 - Cal. Stat. 1947, ch. 1532, codified in California Government Code, sections 126 and 113, which is a consent statute with reservation of state jurisdiction over limited specific matters. Under California law "exclusive jurisdiction" over California lands cannot be obtained by the federal government.

   (2) On 15 June 1948, the Department of the Navy (DON) obtained proprietorial ownership of lands now known as the Naval Postgraduate School, Monterey, California.
(3) In December 1948, JDN officials initiated action to seek jurisdiction over NAVPGSCOL lands from the State of California. In early 1949 the California State Lands Commission held a public hearing under CA Govt Code, section 126 to consider the U.S. Government's request for cession of state jurisdiction over NAVPGSCOL lands.

(4) In a letter dated 27 June 1949, the Secretary of the Navy accepted "complete federal jurisdiction...to the extent that such jurisdiction has been granted by the Legislature of the State of California over (NAVPGSCOL lands)..." In a separate letter, also dated 27 June 1949, sent to the California State Lands Commission, the Chief of the Bureau of Yards and Docks, on behalf of the Department of the Navy, accepted federal jurisdiction over NAVPGSCOL lands. However, it became necessary to have the Secretary of the Navy initiate the before-mentioned acceptance letter in December 1949, which letter was retroactively dated 27 June 1949. Thus, the State of California reserved to itself the administration of state criminal law with respect to federal lands known as NAVPGSCOL.

3. References.

40 United States Code section 255;
California Government Code sections 126 and 113 (Former section 113 (enacted by Stat. 1943, c. 134, p. 898, sections 113, amended by Stats. 1947, c. 1532, p. 3164, section 2, originally derived from Stats. 1891, c. 181, p. 262, section 1), which relates to state reservation of criminal jurisdiction over places ceded or conveyed to the United States, was repealed by Stats. 1955, c. 1447, p. 2636, section 1.);
Deed No. 1933 between DELMONTE PROPERTIES CO. and the UNITED STATES OF AMERICA of 15 June 1948, filed in Monterey County, California;
SEACNAV ltr to CA State Lands Commission: BUDOCKS, ND12/N1-13
P5-80-MO B-412/am of 27 Jun 1949; and
CA State Lands Commission resolution of December 21, 1949, recession of jurisdiction of NAVPGSCOL lands to the United States.

4. Information.

a. The NAVPGSCOL, located in Monterey and comprising approximately 602 acres, was purchased by the U.S. Government in 1948 and consists of five separately described parcels:

Research area (beach front): 48.3 acres;
Main grounds: 135.36 acres
Laboratories/recreation area (golf course): 100.61 acres;
Annex (Fleet Numerical Oceanographic Center) (FNOC)): 22.56 acres; and
La Mesa housing: 300.62 acres
b. Federal police services are provided by civilian employees of the NAVPGSCOL Police Department.

5. **Understandings.**

   a. NAVPGSCOL Police Department (NAVPGSCOL Police Department Officers have no police authority outside NAVPGSCOL property):
      
      (1) will enforce federal and state criminal laws on board NAVPGSCOL;
      
      (2) may call upon Monterey Police for assistance on NAVPGSCOL property for incidents which constitute an emergency, or are likely to significantly disrupt the flow of vehicular and pedestrian traffic on or contiguous to NAVPGSCOL property; and
      
      (3) will respond when requested by Monterey Police.

   b. Monterey Police Department:
      
      (1) may enforce all state and local criminal laws as in any other area of Monterey; but will, to the greatest degree practical, coordinate with NAVPGSCOL Police Department concerning any law enforcement function on board NAVPGSCOL;
      
      (2) will respond when requested by NAVPGSCOL Police Department to render assistance; and
      
      (3) will notify NAVPGSCOL Police Department if violations of state or federal laws occurring on NAVPGSCOL property are reported to Monterey Police.

   c. Mutual aid. Both parties adopt as "policies and procedures for mutual aid for critical incidents requiring specially trained personnel" the policies and procedures now in force in Monterey County, which are set forth in Appendix 1 to this agreement.

   d. General.
      
      (1) All police services rendered under this Memorandum of Understanding (MOU) are voluntary exercises of the parties hereto, and no legal or financial obligations to the other party or to third parties are contemplated nor arise as a consequence of the execution of this MOU, or the exercise of powers hereunder.

      (2) No legal powers nor jurisdictional competence of either party are diminished by this MOU; nor does the MOU affect the police authority of other non-signatory state and federal police agencies.
(3) Both parties acknowledge that Navy officials have primary cognizance of criminal acts that come under the jurisdiction of the Uniform Code of Military Justice (UCMJ). With regard to criminal acts that come within the jurisdiction of either state or federal laws, other than the UCMJ, both parties acknowledge the primacy of each party's jurisdictional competence, and will give comity and political courtesy to and cooperation with the desires of the other party, as to which jurisdiction will ultimately assume criminal prosecution.

6. Effective date. Date of the latest signature of the parties to this MOU.

7. Termination date. Indefinite. This MOU may be terminated/cancelled at the discretion of either party to the MOU. Written notice is desired.

DANIEL ALBERT
Mayor
City of Monterey
California

R. W. WEST, JR.
RADM, USN
Superintendent
Naval Postgraduate School

2-21-91

2/19/91

City Attorney's Office

APPROVED BY:
MUTUAL AID POLICY FOR CRITICAL INCIDENTS REQUIRING SPECIALY TRAINED PERSONNEL

PURPOSE: This policy statement provides the plan by which all participating law enforcement agencies within Monterey County are to handle critical incidents which may be beyond the resources and expertise of a single agency. It specifically pertains to those specially trained units which are most capable of handling such incidents.

DEFINITIONS:

Critical Incident: A Hostage situation - barricaded subject posing immediate threat to life - or any other unusual life-threatening circumstances in which the utilization of specially trained units is required.

SWAT (Special Weapons and Tactics) Unit: Units trained and equipped to deal primarily with armed persons. Definition includes acronyms utilized by various agencies for similarly trained and equipped units.

Hostage Negotiation Unit: Personnel trained to deal with the release of hostage(s) and the surrender of suspect(s) through the negotiation process.

POLICY: It shall be the policy of all participating Monterey County Law Enforcement agencies to utilize this outlined procedure when requesting assistance of specially trained personnel from other jurisdictions.

Each participating agency agrees to provide the requested assistance and accept the direction and order of the requesting agency. However, the command officer or designated supervisor who accompanies the specially trained unit from another jurisdiction will make the final determination as to whether or not the specially trained unit will carry out the directions of the operations commander. This determination will be based on tactical, political, legal, and safety considerations within his expertise.

Due to the specialized nature of the SWAT and Hostage Negotiation Units, participating agencies shall take the necessary steps to insure that their command and supervisory personnel are familiar with the capabilities and limitations of these specially trained units.
PROCEDURE:

1. Request for Outside Assistance
   a. The requesting agency shall contact the County Sheriff, designating the type and amount of assistance required. It is then the duty of the County Sheriff to contact the necessary agency or agencies. (This procedure is in conformance with the County-wide Mutual Aid Guidelines.)
   b. It shall be the responsibility of the requesting agency to determine the type and amount of assistance needed, based upon the totality of the situation.
   c. Requests for SWAT assistance shall be for entire teams, and not individual officers.
   d. Requests for hostage negotiators may be for a team or for individual officers as needed.

2. Reporting Procedures for Responding Agencies
   a. Each agency responding will have their officers report to the designated staging area.
   b. Each agency responding shall also have a command officer or designated supervisor accompany their unit(s). This officer shall be in addition to any supervisory personnel assigned to the responding hostage or SWAT unit(s). His presence is to insure the proper utilization of his agency personnel and to assist the operation commander if needed.

3. Command of Operation
   a. The agency in whose jurisdiction the incident is occurring will be in charge of the operation unless the agency relinquishes that authority. On board Naval Postgraduate School such operational authority rests with the Superintendent.
   b. It will be the operation commander's responsibility to determine the tasks to be performed by the assisting personnel. It will be expected that the requesting agency will assign primary responsibilities to their own specialized personnel.
   c. When assignments are made to outside agency personnel, the operation commander will make them in cooperation with the outside agency's command officer.
3210 Counter Reports Prior 0504.pdf
I. PURPOSE

Generally, when a person comes to the Police Department for the purpose of reporting a crime or filing a police report, an officer should be summoned to prepare the report and take whatever other action may be necessary. However, there are a limited number of circumstances in which Records staff may be authorized to prepare a report in lieu of summoning an officer. This directive outlines those circumstances and related procedures.

II. COUNTER REPORTS

When a person comes to the Police Department and indicates they wish to file a police report, and it appears that the circumstances meet the Department’s criteria, the employee shall seek the approval of the Watch Commander to prepare a Counter Report. Counter Reports may be prepared under the following circumstances:

A. Traffic Collisions

1. Criteria:
   a. The traffic accident occurred in the City of Monterey,
   b. All of the involved parties possess a valid operator's license and evidence of automobile liability insurance,
   c. There were no injuries, and
   d. The accident involved property damage only.

2. When only one party is reporting the collision, the concerned employee may accept the information that was provided to the reporting party by the other party at the scene.

3. If there is a question regarding the validity of the information, a police officer shall be summoned for advice.

B. Documentation Only Reports

1. Criteria:
   a. The incident being reported occurred in the City of Monterey,
   b. Does not involve a crime, and
c. No follow-up action by the Department is necessary.

2. When such reports are taken, the concerned employee shall advise the reporting party that no follow-up action will be taken.

C. PROCEDURE

1. When a person requests that a report be taken and the circumstances meet the Department’s Counter Report criteria, the concerned employee shall contact the Watch Commander and provide the facts of the case.

2. The Watch Commander shall determine whether a counter report may be taken or whether an officer should be summoned to complete a standard investigation.

3. When the Watch Commander approves the taking of a counter report, the concerned employee shall:
   a. Obtain a CR number from County Communications,
   b. Record that number on the report, and
   c. Submit the completed report to the Watch Commander for approval.

   NOTE: Case numbers beginning with “CTR” will no longer be assigned.

4. The concerned employee shall enter the following information in the NetRMS Call for Service module after accepting the report:
   a. CFS Number: Enter the last name of the employee accepting the report.
   b. Date: Enter the date and time of original report.
   c. Location: Location of the incident. “351 Madison St.” should only be used when the actual location is unknown, or for incidents which occurred at the Police Department.
   d. Offense Coding: Counter Report/Civil, Counter Report/Traffic, or Counter Report/Lost Property, as appropriate.
   e. Agency: PD - Monterey Police Department
   f. Case Number: Enter assigned case number
   g. Notes: CFS narratives should follow the standard format used by Patrol.
5. Approved reports shall be processed following the procedure used for any other police report.

6. Follow up information provided after the initial report shall be documented on a Counter Report Continuation Sheet.

IV. LOST / FOUND PROPERTY REPORTS

A. Records staff may complete Lost and/or Found Property Reports with the approval of the Watch Commander.

*Exception*: Reports involving weapons, hazardous materials, fireworks, drugs and drug paraphernalia or any other contraband.

B. Found property shall not be accepted and placed in Records for pick up by the owner without a completed Found Property report.

1. In the event property is found and returned to owner within the same shift, the PST may elect to cancel the Case Report.

2. Cancelled CR’s require a Call for Service entry indicating offense type “9998 - CR Cancelled by Officer” and the notes shall indicate property was found and returned to owner.

C. PROCEDURE

1. The concerned employee shall obtain the following information:

   a. The name of the person reporting the incident,

   b. The type, description and estimated value of the property in question,

   c. The circumstances surrounding the incident.

2. After obtaining this information, the Records staff member shall contact the Watch Commander and provide the circumstances of the report.

3. The Watch Commander shall determine whether the report is to be completed by Records staff or whether an officer should be summoned to conduct a more in depth investigation.

4. All lost and found property reports shall be documented on the appropriate incident sheet and property evidence forms.

   a. Records staff members completing their own RMS data entry may elect to use the RMS report printout in place of a standard incident
report form.

(1) For reports approved using this method, page 1 of the NetRMS printout, bearing the approval signature, shall be scanned into NetRMS with any other case report documents.

5. All found property should be packaged by the accepting Records staff member and placed in the found property storage locker located in the Records area when appropriate to facilitate return to an owner.

6. The Evidence Technician shall be responsible to empty the property storage locker and transfer the items to the secure property/evidence storage area.

7. If the owner of found property arrives at the station, a Records staff member may release the item, subject to approval by the Watch Commander. During regular business hours, such approval may also be obtained from the Evidence Technician.

8. The releasing Records staff member shall make a photocopy of the property barcode label, which is to be signed by the property owner along with the date/time of release, and the signature of the releasing Records staff member.

   a. The completed photocopy shall be forwarded to the Evidence Technician for electronic update to the barcode system.

   b. The Evidence Technician will forward the photocopy back to Records for scanning into the case folder.

Philip J. Penko
Chief of Police

ATTACHMENTS: Counter Report (3 pages)

ORIGINAL: December 05
## HATE CRIME CHECKLIST

**VICTIM**

<table>
<thead>
<tr>
<th>Victim Type:</th>
<th>Target of Crime (Check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual</td>
<td>Person □ Private property □ Public property</td>
</tr>
<tr>
<td></td>
<td>Other □</td>
</tr>
<tr>
<td>School, business or organization</td>
<td>Bodily injury □ Threat of violence</td>
</tr>
<tr>
<td>Name:</td>
<td>Property damage □</td>
</tr>
<tr>
<td>Type:</td>
<td>Other crime: □</td>
</tr>
<tr>
<td>(e.g., non-profit, private, public school)</td>
<td>Property damage - estimated value</td>
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</table>

<table>
<thead>
<tr>
<th>Faith-based organization</th>
<th>Nature of Crime (Check all that apply):</th>
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<tr>
<td>Name:</td>
<td>Bodily injury □</td>
</tr>
<tr>
<td>Faith:</td>
<td>Property damage □</td>
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<tr>
<td>Address:</td>
<td>Other crime: □</td>
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</table>

**BIAS**

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<tbody>
<tr>
<td>Disability □</td>
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<tr>
<td>Gender □</td>
</tr>
<tr>
<td>Gender identity/expression □</td>
</tr>
<tr>
<td>Sexual orientation □</td>
</tr>
<tr>
<td>Race □</td>
</tr>
<tr>
<td>Ethnicity □</td>
</tr>
<tr>
<td>Nationality □</td>
</tr>
<tr>
<td>Religion □</td>
</tr>
<tr>
<td>Significant day of offense (e.g., 9/11, holy days) □</td>
</tr>
<tr>
<td>Other: □</td>
</tr>
</tbody>
</table>

Specify disability (be specific):

**HISTORY**

<table>
<thead>
<tr>
<th>Relationship Between Suspect &amp; Victim:</th>
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</thead>
<tbody>
<tr>
<td>Suspect known to victim? □ Yes □ No</td>
</tr>
<tr>
<td>Nature of relationship:</td>
</tr>
<tr>
<td>Length of relationship:</td>
</tr>
</tbody>
</table>

If Yes, describe in narrative portion of Report

**WEAPONS**

<table>
<thead>
<tr>
<th>Weapon(s) used during incident? □ Yes □ No Type:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weapon(s) booked as evidence? □ Yes □ No</td>
</tr>
</tbody>
</table>

Automated Firearms System (AFS) Inquiry attached to Report? □ Yes □ No

POST 05/19 (Based on LAPD’s Hate Crime Supplemental Report, used with permission)
# HATE CRIME CHECKLIST

**EVIDENCE**

- Witnesses present during incident?
  - Yes
  - No
- Evidence collected?
  - Yes
  - No
- Photos taken?
  - Yes
  - No
- Total # of photos: __________ D#: __________________
- Taken by: __________________ Serial #: __________________
- Statements taken?
  - Yes
  - No
- Recordings: ____________
  - Video
  - Audio
  - Booked
- Suspect identified:
  - Field ID
  - By photo
  - Known to victim

**OBSERVATIONS**

**VICTIM**
- Tattoos
- Shaking
- Unresponsive
- Crying
- Scared
- Angry
- Fearful
- Calm
- Agitated
- Nervous
- Threatening
- Apologetic
- Other observations: ____________________

**SUSPECT**
- Tattoos
- Shaking
- Unresponsive
- Crying
- Scared
- Angry
- Fearful
- Calm
- Agitated
- Nervous
- Threatening
- Apologetic
- Other observations: ____________________

**ADDITIONAL QUESTIONS** (Explain all boxes marked "Yes" in narrative portion of report):

- Has suspect ever threatened you? Yes  No
- Has suspect ever harmed you? Yes  No
- Does suspect possess or have access to a firearm? Yes  No
- Are you afraid for your safety? Yes  No
- Do you have any other information that may be helpful? Yes  No

**MEDICAL**

- Declined medical treatment
- Will seek own medical treatment
- Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? Yes  No

**Paramedics at scene?**
- Yes
- No
- Unit #: ________
- Name(s)/ID #: ____________________________
- Hospital: ________________________________
- Jail Dispensary: __________________________
- Physician/Doctor: _________________________
- Patient #: ______________________________

**Officer (Name/Rank)** Date

**Officer (Name/Rank)** Date

**Supervisor Approving (Name/Rank)** Date

POST 05/19
Ride-Along Attachment 1-Media Guidelines.pdf
MONTEREY POLICE DEPARTMENT

***Media Ride-Along Guidelines***

Monterey Police personnel are responsible for ensuring that members of the media, including camera crews, abide by the following list of guidelines while participating in a Ride-Along:

1. Media personnel accompanying Monterey Police Officers are prohibited from accompanying officers into areas that are not accessible to the public. Specifically, these are areas wherein officers gain access due to their authority as peace officers, including but not limited to homes, backyards, ambulances, or any area where a reasonable expectation of privacy exists.

2. Monterey Police Department personnel shall not be involved in obtaining authorization for the media to tape a person or to enter a non-public area. Any such agreement shall be made between said person and the media and/or camera crew.

3. Officers shall conduct only tasks directly related to their normal law enforcement duties and shall not grant media and/or camera crews any special treatment or access that exceeds what any person is entitled to during the course of a public Ride-Along.

4. Officers shall not allow media and/or camera crews to disrupt the normal course of their law enforcement duties and shall terminate the Ride-Along immediately upon any such disruption.

5. All media and/or camera crews attending public Ride-Alongs shall have prior consent from the Monterey Police Department’s Public Information Officer. All media and/or camera crews must also sign our department civilian Ride-Along Waiver.

THE MONTEREY POLICE DEPARTMENT DOES NOT ALLOW MEDIA AND/OR CAMERA CREWS IN ANY AREAS NOT ACCESSIBLE TO THE PUBLIC WITHOUT PRIOR CONSENT FROM THE PERSON Whose REASONABLE EXPECTATION OF PRIVACY EXISTS.

THERE IS NO EXCEPTION TO THIS RULE.

I have read and agree to comply with the above listed guidelines. I understand that the Monterey Police Department respects a person’s expectation of privacy and will not tolerate any intrusion of privacy by media and/or camera crews attending public Ride-Alongs.

Print Name: ___________________________ Company:______________________

Signature: ___________________________ Date:________________________
10020 Personnel Assignments and Rotation Prior 9102.pdf
I. POLICY

It is the policy of this Department to periodically reassign sworn personnel to various assignments within the Department for the purpose of training, job enrichment, and to gain broad experience in varied aspects of law enforcement. This, in turn, will result in increased job satisfaction, operational efficiency and organizational wellbeing. These periodic assignments are neither promotions nor demotions. Any pay differentials for special assignments provided by Memorandum Of Understanding are usually temporary in nature, as they are “assignments,” not a job classification, and will be withdrawn upon conclusion of the special assignment.

II. DEFINITIONS

A. Assignment

The placing of a person into a position that is required to fulfill the mission of the Department.

B. Reassignment

The periodic moving of personnel between assignments for purposes stated in this directive's Policy.

C. Patrol Assignment (Police Officer)

Any uniformed position assigned to patrol a specific area on a watch/platoon basis to handle calls for service and carry out preventative measures to minimize criminal activity.

D. Special Assignment (Police Officer/Police Sergeant)

1. Positions that are identified as special duty assignments are filled by employees in the classification of Police Officer or Police Sergeant, who are formally assigned to and capable of performing the duties of those assignments in accordance with departmental procedures. Special duty assignments are differentiated from regular "Patrol" assignments in the Field Operations Division in the following ways:
   a. Duties are substantively different from those of a Patrol Officer or a Patrol Sergeant; and
b. They require knowledge, skills, and abilities distinct from those of a Patrol Officer or a Patrol Sergeant.

2. The following are the current Special Assignments:
   - Officers
     - (4) Community Action Team (CAT) Officers
     - (6) Field Training Officers
     - (1) School Resource Officer
     - (2) Traffic Officers
     - (5) Investigations (MPD and/or PRVNT)
   - Sergeants
     - (2) Field Training Officer Program Sergeants
     - (1) Investigations Sergeant
     - (1) Administrative Sergeant
     - (1) Special Projects Sergeant

(Special Assignment Differential Pay is addressed in the Memorandum of Understanding with the MPA, Section 14)

III. PROCEDURES - PATROL ASSIGNMENTS

   - The process for Patrol Assignments is delineated in the Memorandum of Understanding with the MPA (Section 29).

IV. PROCEDURES - SPECIAL ASSIGNMENTS

A. Special Assignments - Police Officers

1. Duration of Assignment
   a. Special assignments are generally for two (2) years but may be extended in one (1) year increments up to a maximum term of four (4) years. The Chief of Police will determine the actual term and the extension of all such assignments.

EXCEPTIONS:

   (1) The six (6) Field Training Officer assignments are generally for three (3) years. As a position becomes available, those eligible, including the officer vacating the assignment, may apply and be considered. There will be no limitation as to the number of consecutive times that an officer may be selected to serve in an FTO assignment.

   (2) The Chief of Police will determine the actual term and the extension of all such assignments.
b. Upon completion of a special assignment, officers will generally return to Patrol.

c. Officers who are in a special assignment may apply and be considered for a different special assignment. Generally, the preference is for officers to complete at least two years in a special assignment prior to their application for a different special assignment.

d. Generally, officers may not return to the same special assignment that they have previously held, until a period of at least one (1) year has elapsed (see FTO EXCEPTION, IV.A.1.a(1) above)

2. Filling Vacancies in Special Assignments

a. When an opening occurs, an interested officer will submit a Memorandum with a Transmittal Form describing: why they would like to be assigned to the position, any special skills they would bring to the assignment, what they have done to prepare for the assignment, any previous special assignments & dates assigned they have held and any additional information they would like to include, through their chain of command to the Chief of Police. Generally, an officer should be off probation before being assigned to a special assignment.

b. An interview panel will be developed and approved by a Lieutenant.

c. A Lieutenant will compile the panel’s results and make a recommendation to the Chief of Police. The Chief of Police will make the final decision on all such special assignment appointments.

d. The selection may be based on such things as:

(1) Needs of the Department

(2) Needs of the individual to have the opportunity for such assignment

(3) Length of time since the individual has had a special assignment

B. Supervisors/Management Rotation and Special Assignments

1. Sergeant Rotation:
a. Sergeants may be rotated through a variety of assignments including Patrol, Field Training, Administration, Investigations, and Special Projects or another special assignment deemed necessary by the Chief of Police.

2. Special Assignments – Police Sergeants

a. Special assignments are generally for two (2) years but may be extended in one (1) year increments up to a maximum term of four (4) years. The Chief of Police will determine the actual term and the extension of all such assignments.

b. Ideally, at least one such special assignment will be available for rotation each year.

c. Generally, a sergeant must return to Patrol for at least one (1) rotation after serving in two (2) consecutive special assignments.

e. Selection shall be made at the discretion of the Chief of Police. Sergeants interested in the available special assignment will submit a memorandum with a transmittal form describing; why they would like to be assigned to the position, any special skills they would bring to the assignment, what they have done to prepare for the assignment, any previous special assignments & dates assigned they have held and any additional information they would like to include, through their chain of command to the Chief of Police no later than July 15 each year.

d. Preference into special assignments will be given to those sergeants who have not previously served in the assignment.

e. Special assignments will be determined prior to the beginning of the Patrol bid selection process.

3. Lieutenant assignments will be made by the Chief of Police.

IV. GENERAL

Nothing in this directive precludes the Chief of Police from making immediate reassignments as necessary to fulfill the mission of the Department.

ORIGINAL: January 1991, Supersedes Directives #85.03 Appointment of Detectives (5/85) and #89.05 Personnel Assignments and Rotation (4/89)

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf
5010-Collision-Investigation-Prior 8703.pdf
I. POLICY

This department shall respond to vehicle collisions occurring within the City and investigate/report the incident in the appropriate manner as outlined in this policy.

II. PURPOSE

To ensure agency compliance with collision reporting requirements outlined in California Vehicle Code Section 20008, to support the effort to increase public safety and identify potentially hazardous situations, and to ensure the completion of reports in a uniform and efficient manner.

III. PROCEDURE -- COMPLETE INVESTIGATION

A. Traffic Collision Report CHP 555-01 shall be used to document investigations of traffic collisions that fall into the following categories:

1. Fatality: On or off highway
2. Injury: On or off highway
3. Hit and Run: When sufficient information is available for follow-up
4. DUI involved
5. Any emergency vehicle
6. When a collision occurs on a highway and is the result of an identifiable violation for which prosecution is sought:
   a. Prosecution shall be based on a thorough investigation with adequate evidence to support all of the necessary elements of an offense.
   b. Any prosecution recommendation shall be accompanied by issuing a Notice to Appear citation (except for misdemeanor and felony cases) at the scene of the collision.

Officers shall check the appropriate boxes on the Notice to Appear indicating the citation is the result of an accident and that violations not committed in the officer’s presence are declared on information and belief (unless the officer
witnessed the violation).

The violator will be required to sign the citation and the citation will be routed to the Traffic Court along with a copy of the collision report for prosecution.

c. Collisions involving misdemeanor or felony cases (hit and run, suspended license, etc.) shall be forwarded to the District Attorney’s Office for prosecution.

B. Fatalities and Serious Injury Collisions: When a collision involves a fatality or results in serious injuries, the on-duty Traffic Officer will be assigned. If an on-duty Traffic Officer is not available, the Field Supervisor or Watch Commander will attempt to contact the Traffic Sergeant, who will contact a Traffic Officer to respond and investigate.

C. Reporting Format: All investigations will be documented in the standard collision Investigation format, as described in the Department of the Highway Patrol Collision Investigation Manual (CIM).

IV. PROCEDURE -- MONTEREY CITY-OWNED VEHICLES

A. Collisions involving City-owned vehicles, including police vehicles, require an investigation, as outlined above. Whenever a collision involving a City-owned vehicle is investigated or reported, the following shall also occur:

1. Photographs will be taken.

2. Insurance information will be obtained from the involved parties.

3. The on-duty supervisor shall outline the basic facts of the collision, (i.e., date, time, location, involved parties, vehicle, and insurance information, injuries, vehicle and other property damage, circumstances, etc.) in an email, which shall be forwarded without delay to their Lieutenant, Deputy Chief, the Chief of Police, and the Risk Manager.

4. If moderate to major injuries are sustained by any involved parties, the on-duty supervisor shall notify their lieutenant without delay.

5. Any recommendation to issue a Notice to Appear shall first be reviewed and approved by the Traffic Sergeant and a lieutenant.

6. Copies of the complete report will be forwarded to the Risk Manager and the Vehicle Maintenance Supervisor.

B. In all collisions where a police vehicle is involved, a supervisor shall be notified immediately and shall, without delay, respond to the scene to
determine the extent of injury/damage/liability.

1. If the collision is of a serious nature, the supervisor shall, whenever practical, request that the California Highway Patrol respond and investigate the incident. In the event that CHP response is not practical, then an MPD supervisor shall conduct the investigation.

2. If any of the involved parties sustain any injuries, the on-duty supervisor shall notify their lieutenant without delay. The lieutenant or Division Deputy Chief shall be responsible, when appropriate, to notify the Chief of Police.

3. Copies of the complete report will be forwarded to the Chief of Police, Division Deputy Chief, Risk Manager, and the Vehicle Maintenance Supervisor.

C. If the collision investigation is conducted by the CHP, an MPD case number will be assigned.

1. CHP will classify the report as a courtesy report and distribute it directly to this agency upon completion.

2. It is the responsibility of the initial supervisor to ensure the proper and prompt distribution of the report.

V. PROCEDURE -- PRIVATE PROPERTY / NON-INJURY

A. Officers shall facilitate the appropriate exchange of information or complete a Report at the request of any of the involved parties.

B. MPD Private Property, Non-Injury Collision Information Card may be utilized

C. Cards are to be completed by involved drivers and information verified by the on-scene officer prior to exchange.

1. If any of the involved parties requests a report be taken, it shall be documented using the Report format outlined in the Collision Investigations Manual.

VI. COUNTER REPORTS

A person may file a Traffic Collision Counter Report at the police department with the approval of the on duty Watch Commander. The counter report will be prepared and processed when criteria are met under Directive #05.04.

At no time should an officer on the scene of a traffic collision direct an involved
party to the station to complete a counter report in lieu of investigating the collision in the field.

VII. DISTRIBUTION

All hit and runs, injury collisions, and property damage reports, with the exception of private property non-injury reports, will be sent to the CHP in accordance with their requirements, by the Traffic Sergeant.

VIII. SAFETY MEASURES -- REFLECTIVE VESTS AND APPAREL

Officers should understand and appreciate the high risk that personnel are exposed to when working at a traffic-related incident, such as a traffic collision, that occurs on or near a highway.

In such instances, there are certain safety measures that may be employed in order to increase the level of safety for involved personnel. One such measure is to "Be Seen." To this end, it is highly recommended that all personnel working at the scene of a traffic-related incident / event on or near a highway, with motor vehicle traffic nearby, wear a highly visible, highly reflective, safety vest or other suitable apparel.

Such a vest, which meets ANSI Class II ratings, will be provided to all sworn personnel. Other garments such as rain jackets or coats that also meet the ANSI Class II rating may be better suited in some situations and may be substituted when appropriate.

Officers shall maintain the department-issued safety vest and have it available to them whenever they are working in an assignment where the vest may be needed. It is highly recommended that the safety vest be worn anytime (day or night) for traffic collision investigations, while conducting traffic control, at DUI checkpoints, and some special event situations, at the discretion of the Event Commander.

David J. Hober
Chief of Police

ORIGINAL: September 1987
Revised: May 2002, May 2007, April 2020
MPD Transmittal Form 07-17-15.pdf
MONTEREY POLICE DEPARTMENT

TO: David J. Hofer, Chief of Police

DATE: __________________

SUBJECT: INSTRUCTIONS

Department members submitting any written requests for consideration or action by the Office of the Chief of Police will attach this form and route the material through the chain of command. Immediate supervisors and intermediate supervisors are required to individually make recommendations for appropriate action on each transmittal and cite reasons. Other city and departmental forms that require comments of supervision and command will not require the transmittal form. Regardless of the recommendation at any level, transmittal to the Office of the Chief of Police will be completed.

<table>
<thead>
<tr>
<th>INFORMATION</th>
<th>COMMENTS:</th>
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<tbody>
<tr>
<td>Information Only</td>
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</tr>
<tr>
<td>Approved</td>
<td></td>
</tr>
<tr>
<td>Disapproved</td>
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IMMEDIATE SUPERVISOR: ___________________________ DATE: _________

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IMMEDIATE SUPERVISOR: ___________________________ DATE: _________

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ASSISTANT CHIEF OF POLICE: ___________________________ DATE: _________

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<td>Disapproved</td>
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CHIEF OF POLICE: ___________________________ DATE: _________

(Use reverse side for additional comments)
## SECTION ONE - QUALIFYING EQUIPMENT OWNED/UTILIZED BY THE MONTEREY POLICE DEPARTMENT

<table>
<thead>
<tr>
<th>AB 481 Category Govt Code §7070(c):</th>
<th>(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Description:</strong></td>
<td>37mm Less Lethal Launcher and Oleoresin Capsicum “OC” munitions</td>
</tr>
<tr>
<td><strong>Quantity (existing/sought):</strong></td>
<td>2 (existing)</td>
</tr>
<tr>
<td><strong>Capabilities:</strong></td>
<td>The 37mm Less Lethal Launcher is capable of firing barricade penetrating “OC” rounds which disperse .02 ounces of OC powder into a defined space. These munitions are designed to dislodge barricaded subjects from confined areas.</td>
</tr>
<tr>
<td><strong>Expected lifespan:</strong></td>
<td>15 years</td>
</tr>
<tr>
<td><strong>Manufacturer’s description:</strong></td>
<td>The Federal 37 mm Less Lethal Launcher is a single-shot break-open platform designed to fire 37mm less lethal oleoresin capsicum munitions.</td>
</tr>
<tr>
<td><strong>(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Purpose(s)/Authorized Use:</strong></td>
<td>The 37mm Less Lethal Launchers and “OC” Munitions are intended for use as a less-lethal use of force option.</td>
</tr>
<tr>
<td><strong>(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Initial cost:</strong></td>
<td>$3,000</td>
</tr>
<tr>
<td><strong>Annual costs:</strong></td>
<td>$100 (includes munitions)</td>
</tr>
<tr>
<td><strong>(4) The legal and procedural rules that govern each authorized use</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Legal:</strong></td>
<td>All applicable State, Federal and Local laws governing police use of force and crowd control.</td>
</tr>
<tr>
<td><strong>Procedural:</strong></td>
<td>MPD Policies - 306 (Firearms), 303 (Control Devices and Techniques)</td>
</tr>
<tr>
<td><strong>(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Required training:</strong></td>
<td>Two hours of initial training and two (2) hours every two (2) years (includes qualification)</td>
</tr>
<tr>
<td><strong>Other:</strong></td>
<td>Only Monterey Peninsula Regional Special Response Unit (MPRSRU) trained personnel and Less Lethal Instructors are authorized to use this Less Lethal launcher. All MPRSRU members are required to complete an initial POST certified 80 hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually.</td>
</tr>
</tbody>
</table>
### SECTION ONE - QUALIFYING EQUIPMENT OWNED/UTILIZED BY THE MONTEREY POLICE DEPARTMENT

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<tr>
<th>AB 481 Category</th>
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<tr>
<td>(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons</td>
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</table>

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<tr>
<th>(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description:</strong> 40mm Less Lethal Launchers and Kinetic Energy Munitions</td>
</tr>
<tr>
<td><strong>Quantity (existing/sought):</strong> 3 (existing)</td>
</tr>
<tr>
<td><strong>Capabilities:</strong> The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, known as sponge projectiles.</td>
</tr>
<tr>
<td><strong>Expected lifespan:</strong> 15 years</td>
</tr>
<tr>
<td><strong>Manufacturer’s description:</strong> Penn Arms 40mm Multi-Shot launchers are manufactured using 4140 hardened steel, 6061-T6 mil-spec anodized aluminum, and DuPont super tough glass-filled nylon. These launchers are lightweight, versatile, and used worldwide by police and corrections officers. The 40mm launcher is available in both pump-action advance and single shot versions.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purpose(s)/Authorized Use:</strong> The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less-lethal use of force option.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Initial cost:</strong> $26,000</td>
</tr>
<tr>
<td><strong>Annual costs:</strong> $3,000 (includes sponge projectiles for training)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(4) The legal and procedural rules that govern each authorized use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal:</strong> All applicable State, Federal and Local laws governing police use of force.</td>
</tr>
<tr>
<td><strong>Procedural:</strong> MPD Policies - 306 (Firearms), 303 (Control Devices and Techniques)</td>
</tr>
</tbody>
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<tr>
<th>(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required training:</strong> Two (2) hours of initial training and (2) hours every (2) years (includes qualification)</td>
</tr>
<tr>
<td><strong>Other:</strong> MPD has two (2) pump-action 40mm multi-shot launchers and one (1) single shot launcher</td>
</tr>
<tr>
<td>Description</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>Quantity (existing/sought):</td>
</tr>
<tr>
<td>Capabilities:</td>
</tr>
<tr>
<td>Expected lifespan:</td>
</tr>
<tr>
<td>Manufacturer’s description:</td>
</tr>
</tbody>
</table>

**Purpose(s)/Authorized Use:**

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

1. Situations where the member reasonably anticipates an armed encounter.
2. When a member is faced with a situation that may require accurate and effective fire at long range.
3. Situations where a member reasonably expects the need to meet or exceed a suspect’s firepower.
4. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
5. When a member reasonably believes that a suspect may be wearing body armor.
6. When authorized or requested by a supervisor.
7. When needed to euthanize an animal.

**Initial cost:** Approximately $115,000

**Annual costs:** Approximately $6,000 (ammunition, repair parts, batteries, etc.)

**Legal:**

CA Penal Code 33220(b). All other applicable State, Federal and Local laws governing short-barreled rifles and police use of force.

**Procedural:**

MPD Policies - 300 (Use of Force), 306 (Firearms), 412 (Rapid Response and Deployment)

**Required training:**

CA POST certified 16-hour patrol rifle course & 4 hours annually / qualification annually

**Other Notes:**

These rifles are standard issue service weapons for MPD officers and as a result exempted from the Military Equipment Use Policy per CA Gov’t Code §7070 (c)(10). They have been included in this document for transparency.
## SECTION ONE - QUALIFYING EQUIPMENT OWNED/UTILIZED BY THE MONTEREY POLICE DEPARTMENT

<table>
<thead>
<tr>
<th>Description</th>
<th>Remington 870 Shotgun and Kinetic Energy Munitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (existing/sought)</td>
<td>14 (existing)</td>
</tr>
<tr>
<td>Capabilities</td>
<td>The shotgun Less Lethal platform is capable of firing CSI “Super-Sock” Kinetic Energy Munitions, which are fiber bean bag projectiles.</td>
</tr>
<tr>
<td>Expected lifespan</td>
<td>15 years</td>
</tr>
<tr>
<td>Manufacturer’s description</td>
<td>The Remington Shotgun is milled from a single block of steel. The stock and fore grip are comprised of fiberglass-reinforced polymer with a rubber over-molding. This shotgun is a U.S.-made pump-action shotgun. The magazine tube holds 6 less-lethal rounds.</td>
</tr>
</tbody>
</table>

### Purpose(s)/Authorized Use
- The shotgun Less Lethal platform and Kinetic Energy Munitions are intended for use as a less-lethal use of force option.

### Initial cost
- $7,000

### Annual costs
- $1,500 (includes fiber bean bag projectiles)

### Required training
- Two hours of initial training and two (2) hours every two (2) years (includes qualification)

### Other
- Less Lethal Shotguns are painted orange to signify the use as a less-lethal device. The MPD does not utilize shotgun ammunition that is designed for lethal purposes.

### Legal
- All applicable State, Federal and Local laws governing police use of force.

### Procedural
- MPD Policies - 306 (Firearms), 303 (Control Devices and Techniques)
### SECTION ONE - QUALIFYING EQUIPMENT OWNED/UTILIZED BY THE MONTEREY POLICE DEPARTMENT

<table>
<thead>
<tr>
<th>AB 481 Category</th>
<th>Govt Code §7070(c):</th>
</tr>
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<tbody>
<tr>
<td>(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency</td>
<td></td>
</tr>
</tbody>
</table>

| (1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment |
|-----------------|-----------------|
| **Description:** | The Larue OBR AR-10 is a semiautomatic rifle capable of firing a 7.62mm projectile bullet. |
| **Quantity (existing/sought):** | 1 (existing) |
| **Capabilities:** | The Larue OBR AR-10 is a semiautomatic rifle capable of firing a 7.62mm projectile bullet. |
| **Expected lifespan:** | 15 years |
| **Manufacturer’s description:** | The LaRue OBR (Optimized Battle Rifle) was built from the ground up, using a newly designed upper-receiver platform, combined with a lower, inspired from our successful 5.56 MM lower. Both the upper and lower are CNC-machined from billet, for the optimum fit and consistency. The receiver components are designed with more material in critical areas to alleviate known issues of weakness in 7.62 platforms and to stiffen the receiver, translating into maximum accuracy. |

| (2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment |
|-----------------|-----------------|
| **Purpose(s)/Authorized Use:** | This rifle is authorized for use by Precision Rifle/Observer SWAT Operator(s) only. It is deployed in conjunction with the Monterey Peninsula Regional Special Response Unit SWAT Team during high-risk incidents. |

| (3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment |
|-----------------|-----------------|
| **Initial costs:** | $10,000 (includes scope and other accessories) |
| **Annual costs:** | $2,000 (includes ammunition and cleaning supplies) |

| (4) The legal and procedural rules that govern each authorized use |
|-----------------|-----------------|
| **Legal:** | All applicable State, Federal and Local laws governing police use of force. |
| **Procedural:** | MPD Policies - 300 (Use of Force), 306 (Firearms), 404 (Monterey Peninsula Regional Special Response Unit), 412 (Rapid Response and Deployment) |

| (5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy |
|-----------------|-----------------|
| **Required training:** | All MPRSRU members are required to complete an initial POST certified 80 hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually. MPRSRU Precision Rifle/Observers must also complete a 40 Post certified SWAT precision rifle/observer course and attend 120 hours of training annually. |

| Other: | N/A |
### SECTION ONE - QUALIFYING EQUIPMENT OWNED/UTILIZED BY THE MONTEREY POLICE DEPARTMENT

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| (1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment |

<table>
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<tr>
<th>Description:</th>
<th>Desert Tech SRS M2 Precision Rifle</th>
</tr>
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<tbody>
<tr>
<td>Quantity (existing/sought):</td>
<td>1 (existing)</td>
</tr>
<tr>
<td>Capabilities:</td>
<td>The Desert Tech SRS M2 is a bolt action rifle capable of firing a .308 caliber projectile bullet.</td>
</tr>
<tr>
<td>Expected lifespan:</td>
<td>15 years</td>
</tr>
<tr>
<td>Manufacturer's description:</td>
<td>The SRS-M2 adds the ability to make fast and easy adjustments to accessories mounted on the forearm through the integrated Area 419 Arcalock rail. The full-length 30 MOA tapered top rail minimizes optical visual displacement when moving between day and night scopes.</td>
</tr>
</tbody>
</table>

| (2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment |
| Purpose(s)/Authorized Use: | This rifle is authorized for use by Precision Rifle/Observer SWAT Operator(s) only. It is deployed in conjunction with the Monterey Peninsula Regional Special Response Unit SWAT Team during high-risk incidents. |

| (3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment |
| Initial cost: | $10,000 (rifle, scope, attachments/equipment) |
| Annual costs: | $2,000 (includes ammunition and cleaning supplies) |

| (4) The legal and procedural rules that govern each authorized use |
| Legal: | All applicable State, Federal and Local laws governing police use of force. |
| Procedural: | MPD Policies - 300 (Use of Force), 306 (Firearms), 404 (Monterey Peninsula Regional Special Response Unit), 412 (Rapid Response and Deployment) |

| (5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public’s welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy |
| Required training: | All MPRSRU members are required to complete an initial POST certified 80 hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually. MPRSRU Precision Rifle/Observers must also complete a 40 Post certified SWAT precision rifle/observer course and attend 120 hours of training annually. |

<p>| Other: | N/A |</p>
<table>
<thead>
<tr>
<th>Description:</th>
<th>FN SPR Precision Rifle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity (existing/sought):</td>
<td>1 (existing)</td>
</tr>
<tr>
<td>Capabilities:</td>
<td>The FN SPR is a bolt action rifle capable of firing a .308 caliber projectile bullet.</td>
</tr>
<tr>
<td>Expected lifespan:</td>
<td>15 years</td>
</tr>
</tbody>
</table>

| Manufacturer’s description: | All A5 M barrels are MIL-SPEC cold hammer-forged, fluted and have a hard-chromed bore. These rifles excel at long-range target shooting and tactical competition. The A5M has a detachable box magazine (DBM) in 308 Winchester models. The one-piece steel MIL-STD-1913 optical rail has an additional 20 MOA of elevation built in. The fully adjustable matte black McMillan™ fiberglass stock offers a close-radius upright grip, textured gripping surfaces, undercut buttstock profile, semi-wide tapered fore-end, adjustable comb and four flush mounting points for slings plus a steel bipod stud. |

| Purpose(s)/Authorized Use: | This rifle is authorized for use by Precision Rifle/Observer SWAT Operator(s) only. It is deployed in conjunction with the Monterey Peninsula Regional Special Response Unit SWAT Team during high-risk incidents. |

| Initial cost: | $10,000 (rifle, scope, attachments/equipment) |
| Annual costs: | $2,000 (includes ammunition and cleaning supplies) |

| Legal: | All applicable State, Federal and Local laws governing police use of force. |
| Procedural: | MPD Policies - 300 (Use of Force), 306 (Firearms), 404 (Monterey Peninsula Regional Special Response Unit), 412 (Rapid Response and Deployment) |

| Required training: | All MPRSRU members are required to complete an initial POST certified 80 hour basic SWAT course, 120 hours of annual training, and 24 hours of SWAT update training bi-annually. MPRSRU Precision Rifle/Observers must also complete a 40 Post certified SWAT precision rifle/observer course and attend 120 hours of training annually. |
| Other: | N/A |
Administrative Law Division

City of Monterey
Ms. Elaine Ramos
City Hall
Monterey, CA 93940

Re: Memorandum of Understanding (MOU)

Dear Ms. Ramos:

It is with great pleasure that I forward to you the enclosed, executed MOU. I would like to take this opportunity to thank you for your part in making this agreement a reality.

My office will be your point of contact (831) 242-5082 for any issues concerning this MOU.

Thank you again.

Sincerely,

Laura L. Wolting
Paralegal
Administrative Law Division

RECEIVED
SEP 10 2003
MONTEREY POLICE DEPARTMENT ADMINISTRATION

SEP 08 2003
CITY MANAGER'S OFFICE
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE PRESIDIO OF MONTEREY
THE MONTEREY COUNTY SHERIFF’S OFFICE
CITY OF MONTEREY
CITY OF PACIFIC GROVE
CITY OF SEASIDE
CITY OF MARINA
CITY OF DEL REY OAKS
CALIFORNIA STATE UNIVERSITY MONTEREY BAY
AND
THE MONTEREY COUNTY DISTRICT ATTORNEY’S OFFICE

1. PURPOSE

a. The purpose of this Memorandum of Understanding (MOU) is to memorialize an understanding between the Commander, Defense Language Institute Foreign Language Center and Presidio of Monterey (DLIFLC & POM), the Monterey County Sheriff’s Office, City of Monterey, City of Pacific Grove, City of Seaside, City of Marina, City of Del Rey Oaks, California State University Monterey Bay (CSUMB), and the Monterey County District Attorney’s Office relating to the investigation and prosecution of offenses over which the above named cities, state and county agencies, and the United States Government have concurrent criminal jurisdiction, pursuant to Title 18, United States Code § 13 and the California Government Code § 126. For clarification, the area subject to this agreement is a United States Army military installation commonly referred to as the Presidio of Monterey (POM) and the Ord Military Community (OMC), located primarily in the City of Seaside. It also includes former Fort Ord property not yet transferred under the base realignment and closure laws until such time as the property is removed from federal possession.

b. This MOU addresses the reporting of offenses, the investigation of offenses, the apprehension and/or arrest of civilian and military personnel, and the prosecution of offenses in which the Commander, DLIFLC & POM, Monterey County, California State University Monterey Bay or a local municipality have an interest. This MOU does not apply to offenses cognizable solely under the Uniform Code of Military Justice (UCMJ, Title 10, United States Code § 801, et seq.) or other federal laws, investigations or matters arising from authorized military training or operations occurring on the Presidio of Monterey or on the Ord Military Community, or to military administrative or security investigations. The parties to this MOU also agree, in the interest of efficient and fair administration of law enforcement investigations and criminal justice matters, to cooperate fully in implementing the provisions of this MOU.

c. All parties to this MOU understand that this MOU is subject to the Memorandum of Understanding Between the Departments of Justice and Defense, dated January 1985,
relating to the investigation and prosecution of certain crimes, as implemented in Chapter 2, Army Regulation 27-10, Military Justice, dated 06 September 2002 (Enclosure 1). The provisions of this MOU are subject to any changes to Army Regulation 27-10, or any other Army or DoD guidance that may be published after the date of this MOU.

d. All parties agree that nothing in this MOU violates Title 18 United States Code § 1385 (Posse Comitatus Act). No action will be taken under the guise or in reliance on this MOU that is a violation of the Posse Comitatus Act.

2. POLICY

   a. This MOU aids in determining which agency will exercise investigative and prosecutorial jurisdiction over offenses in which military, state, city, or county agencies have an interest as defined in paragraph 1a. The main factors in making this determination are which agency has the greatest interest in the offense, the location of the offense, the status of the suspect(s), and which agency can provide the most effective and speedy justice. Although various jurisdictional outcomes may result from application of the principles stated in this MOU, these can always be altered by agreement of the agencies concerned.

   b. This MOU provides internal guidance to the agencies concerned, and it does not create or confer any substantive or procedural rights on individuals. Violation of the provisions of this MOU does not create any right or benefit, substantive or procedural, enforceable at law or equity by any person against the United States; city, county or state agencies; or their officers or employees, or any other person.

   c. No state or local agency has the right or the power to interfere with the federal government in the proper performance of its authorized functions.

3. TRAFFIC ENFORCEMENT - The following principles shall determine which agency will conduct or participate in traffic enforcement.

   a. The Presidio of Monterey Police shall have primary responsibility for traffic control, enforcement of traffic regulations, and investigations of motor vehicle accidents on the federal property described as the Ord Military Community. CSUMB, and the cities of Marina, Seaside and Del Rey Oaks, may also engage in traffic control, enforcement of traffic regulations, and investigations of motor vehicle accidents on the portions of General Jim Moore Boulevard and South Boundary Road that pass through the OMC in their respective jurisdictions.

   b. The County of Monterey and the cities of Seaside, Marina, Del Rey Oaks, Monterey and CSUMB shall jointly engage with the Presidio Police in traffic control, enforcement of traffic regulations, and investigations of motor vehicle accidents on federal property located on the portions of former Fort Ord Property not yet transferred under the base closure laws within their respective jurisdictions.
4. **CRIMINAL INVESTIGATIONS** - The following principles shall determine which agency will conduct or participate in a particular criminal investigation.

   a. Investigative Jurisdiction

      (1) The United States Department of the Army has broad jurisdiction and authority to investigate criminal activity whenever an Army interest exists. Generally, an Army interest exists when one or more of the following apply:

         (a) the crime is committed on a military installation or facility;

         (b) there is a reasonable basis to believe that a suspect may be subject to the UCMJ;

         (c) there is a reasonable basis to believe that a suspect may be a civilian employee of the U.S. Department of Defense (DOD) who has committed an offense in connection with his or her assigned duties with the Department of Defense;

         (d) the Army is the victim of the crime; e.g., the offense involves the loss or destruction of government property or allegations of fraud (as defined in DOD instructions concerning the criminal investigation of fraud offenses) relating to Army programs or personnel;

         (e) there is a need to protect personnel, property, or activities on Army installations from criminal conduct on military installations that has a direct adverse effect on the Army's ability to accomplish its mission;

         (f) the activity threatens the good order and discipline of the installation.

      (2) Normally, either the Presidio of Monterey Police or the U.S. Army Criminal Investigation Division (CID) will conduct Army criminal investigations. The Presidio of Monterey Police generally take jurisdiction over misdemeanors as described in Army Regulation 190-30, Appendix B (Enclosure 2). The CID generally takes jurisdiction over all felonies as described in Army Regulation 195-2, Appendix B (Enclosure 3). The Presidio of Monterey Police will refer all crimes, offenses or incidents falling within CID investigative responsibility to the appropriate CID element for investigation.

      (3) The city, county and state signatory agencies to this MOU have broad jurisdiction to investigate criminal conduct where:

         (a) the U. S. Government is not the victim of the offense; or

         (b) the suspects are civilian personnel who are suspected of offenses other than those described in paragraph 4a(1)(c) above; or
(c) POM PD or CID, on the advice of the OSJA, waives jurisdiction to the local civilian authorities.

(4) In an investigation involving multiple suspects only some of whom are subject to the UCMI, the investigation will be conducted jointly by the Presidio of Monterey Police, CID or other appropriate federal agency and the local agency, or agencies having concurrent geographical jurisdiction where the crime occurred. The determination of the lead agency will be made on a case-by-case basis.

b. Notification Requirements

(1) Civilian authorities will notify the Presidio of Monterey Police as soon as possible when a report reveals evidence of criminal conduct by a service member involved in a crime committed on or off the Ord Military Community. In those instances when confidentiality is deemed essential to ensure that the integrity of an ongoing investigation will not be compromised, civilian authorities may use their discretion with regard to when the Presidio of Monterey Police shall be so notified. Upon receipt of information of criminal conduct by a service member, the Presidio of Monterey Police will notify the appropriate military authorities to include, but not limited to, the Office of the Staff Judge Advocate. Investigative jurisdiction will be determined in accordance with the principles discussed above.

(2) In all felony cases of joint interest, each agency shall provide, if requested, periodic status reports and all reports of their investigation to the other interested agencies.

c. Evidence Handling Among Agencies

(1) In those instances where there is only one investigative agency, that agency will maintain control and custody of any evidence.

(2) In those instances where there is a joint investigation, the lead investigative agency will maintain control and custody of any evidence.

(3) Evidence in the control and custody of one agency may be released to another agency for investigative examination, laboratory testing, and similar purposes. In such circumstances the borrowing agency will return the evidence, to the extent practicable, upon completion of the examination or testing, and will maintain a proper chain of custody while in possession of the evidence.

5. ARRESTS ON THE PRESIDIO OF MONTEREY AND ORD MILITARY COMMUNITY

a. Arrest of Service members – This paragraph shall apply to the arrest of service members pursuant to the issuance of a bench warrant, indictment or other judicially involved process. The primary objective of this agreement is effective cooperation
between civilian authorities to the end that one prosecution does not jeopardize another and that serious offenses are justly and expeditiously prosecuted. In order to facilitate the arrest of service members, civilian authorities will seek the arrest of service members on Presidio of Monterey property through the Presidio of Monterey Police.

(1) Initial Presentation of Arrest Authority -- The presentation of a valid warrant of arrest, indictment, or information, together with sufficient information to identify the person sought as the person who allegedly committed the offense(s) charged and a statement of the maximum sentence which may be imposed upon conviction, will be made to the Presidio of Monterey Police.

(2) Arrest Procedures -- Upon obtaining a determination of legal sufficiency from the OSJA, the Presidio of Monterey Police will assist in the execution of valid arrest warrants, indictments, presentments, and information on behalf of civilian authorities as appropriate.

(3) Decision When UCMJ Charges Are Pending

(a) When civilian authorities wish to arrest a service member against whom disciplinary proceedings under the UCMJ are contemplated or pending, the following procedures and considerations shall apply. The service member will remain in military custody pending coordination between the District Attorney and the Office of the Staff Judge Advocate. When the arrest involves a service member against whom disciplinary proceedings under the UCMJ are contemplated or pending, the DLIFLC & POM Commander will be informed and the Office of the Staff Judge Advocate will coordinate with the service member's General Court-Martial Convening Authority (GCMCA) for a determination as to whether the subject should be released to the civilian authorities. The service member will remain in military custody pending agreement between the District Attorney and the service member's GCMCA.

(b) If the Commander of DLIFLC & POM and/or the service member's GCMCA determines there is an overriding reason to retain the service member in military custody, the arresting agency shall be promptly notified. The arresting officer or agency designee will be permitted to question the service member and conduct any additional investigation necessary in accordance with the above guidelines concerning investigative jurisdiction. Upon cessation of the reason for retaining the service member in military custody, the Presidio of Monterey Police will notify the arresting agency that the service member may be available for jurisdiction by the local authorities.

b. Arrest of Civilians -- The following procedures will be used to arrest persons other than service members on the Ord Military Community.

(1) Initial Presentation of Arrest Authority -- The presentation of a valid warrant of arrest, indictment, or information, together with sufficient information to identify the person sought as the person who allegedly committed the offense(s) charged and a
statement of the maximum sentence which may be imposed upon conviction, will be made to the Presidio of Monterey Police.

(2) Arrest Procedures – Arrest procedures for civilians located on POM or OMC shall be the same as those established in subparagraph 5.a.(2), above.

(c) Exigent Circumstances – If exigent circumstances prevent prior notification of the Presidio of Monterey Police in the arrest of a civilian or military member on the installation, the agency shall contact the Presidio of Monterey Police immediately after making the arrest to advise its personnel of the arrest. The Office of the Staff Judge Advocate will also be notified immediately by the Presidio of Monterey Police.

6. PURSUIT OF CRIMINAL SUSPECTS

Authority to Enter Installation/Pursuit of Suspects onto the Ord Military Community - Local law enforcement officers are authorized to continue the pursuit of criminal suspects onto the Ord Military Community. When possible, civilian authorities will inform the Presidio of Monterey Police that pursuit of a suspect onto the Ord Military Community is likely to occur. The local authorities will ordinarily contact the Presidio of Monterey Police dispatcher to notify patrol units of the hot pursuit onto the installation. The Presidio of Monterey Police will provide assistance to civilian authorities with the apprehension or pursuit of suspects on the Ord Military Community. During any hot pursuit of a suspect onto Ord Military Community, civilian law enforcement officers are authorized to enter buildings, structures or facilities on the Ord Military Community as otherwise permitted under the laws of the state of California. In such circumstances, the primary pursuing agency will immediately notify or cause to be notified the Presidio of Monterey Police Department. If circumstances permit, the Presidio of Monterey Police may be requested to assume the primary role in the pursuit while on Ord Military Community property.

7. CRIMINAL PROSECUTION

a. In any case in which a person accused of a felony and/or misdemeanor offense is subject to both the UCMJ and state law, the Commander, DLIFLC & POM, and the Monterey County District Attorney, or their designees, may meet to decide whether the case will be handled through the military justice system or in state court.

b. Once an agreement has been reached with regard to exercising jurisdiction over an accused’s case by either military or civilian systems of justice, both sides will cooperate in providing investigative reports concerning the case; in making witnesses available for interviews and testimony; and in making evidence available for examination and use in any legal proceedings.

c. Upon request, the District Attorney will inform the Staff Judge Advocate, DLIFLC & POM, about charges filed, current status and final disposition in any case the
District Attorney is prosecuting in state court, in which the accused is also subject to the UCMJ or that involves a victim who is a service member or who is related to a service member.

d. Upon request, the Staff Judge Advocate, DLIFLC & POM, will inform the District Attorney about charges filed, current status and final disposition in any case subject to the UCMJ.

e. The provisions of the section do not apply to:

   (1) Adverse military administrative actions that may be taken in conjunction with or in lieu of criminal prosecution.

   (2) Nonjudicial punishment administered by military authorities under the provisions of Article 15, UCMJ (Title 10 United States Code Sec. 815).

   (3) Decisions concerning whether to bring court-martial charges subsequent to a state prosecution.

   (4) Decisions made by representatives of the United States Attorney’s Office concerning prosecution of offenses that have been investigated pursuant to this memorandum of understanding.

8. SPECIAL WEAPONS AND TACTICS (SWAT) TEAM SUPPORT

   It is recognized and understood that the Commander, DLIFLC & POM and the Monterey County Sheriff’s Office have entered into a mutual agreement by separate memorandum to provide SWAT support to the DLIFLC & POM and Ord Military Community in emergency situations. The Seaside, Marina or Del Rey Oaks Police Departments, and CSUMB will be advised of any SWAT deployment, and the circumstances thereof, on the Ord Military Community within the city limits of their respective cities.

9. SHARING INFORMATION AND REPORTS

   a. Each party to this agreement agrees, to the best of their ability and in accordance with state and federal law, to share information, reports, and other documentation concerning the identities of persons involved, and the circumstances of incidents covered by this MOU.

   b. The Commander, California Medical Detachment will coordinate with the Commander, DLIFLC & POM, and the Presidio of Monterey Police prior to releasing information in their custody to the appropriate civilian police department.
10. MEDIA INQUIRIES

Any inquiries by news media concerning any matter covered by this MOU shall be referred to the agency with the lead investigative responsibility.

11. TERMS AND MODIFICATION

This Memorandum of Understanding shall remain in force until 1 January 2007, and it shall be renewed thereafter automatically for five-year periods, unless sooner terminated by the parties hereto. This Memorandum of Understanding may be modified by mutual consent or terminated unilaterally by any party with thirty days written notice from one of the subscribing officials or his successors to the other subscribing officials or their successors. A review of the provisions of the Memorandum of Understanding may be conducted at the request of any party.

Enclosures
1. Army Regulation 27-10, Chapter 2
2. Army Regulation 190-30, Appendix B
3. Army Regulation 195-2, Appendix B
In witness whereof, the parties hereto have signed below on the dates indicated, this agreement to take effect upon the last date entered.

KEVIN M. RICE  
Colonel, U.S. Army  
Commander  
Date: 2 June, 2003

MIKE KANALAKIS  
Sheriff  
Monterey County  
Date: 6-18-03

DEAN D. FLIPPO  
District Attorney  
Monterey County  
Date: 6-24-03

DAN ALBERT  
Mayor  
City of Monterey  
Date: 8-7-03

JERRY SMITH  
Mayor  
City of Seaside  
Date: 7-13-03

ILA METTEE-MCCUTCHON  
Mayor  
City of Marina  
Date: 6-26-03

JACK BARLICH  
Mayor  
City of Del Rey Oaks  
Date: 7-9-03

JOSEPH RUSSELL  
Vice-Mayor  
City of Del Rey Oaks  
Date: 6-26-03

PETER SMITH  
President  
California State University Monterey Bay  
Date: 6-26-03

MORRIE FISHER  
Mayor  
City of Pacific Grove  
Date: 8-28-03

ILA METTEE-MCCUTCHON  
Mayor  
City of Marina  
Date: 8-7-03
Legal Services

Military Justice

Headquarters
Department of the Army
Washington, DC
6 September 2002

UNCLASSIFIED
Chapter 1
Introduction

1–1. Purpose
This regulation prescribes the policies and procedures pertaining to the administration of military justice and implements the Manual for Courts-Martial, United States, 2000, hereafter referred to as the MCM and the Rules for Courts-Martial (R.C.M.) contained in the MCM.

1–2. References
Required and related publications and prescribed and referenced forms are listed in appendix A.

1–3. Explanation of abbreviations and terms
Abbreviations and special terms used in this regulation are explained in the glossary. See also R.C.M. 103 for definitions of terms used in the MCM.

1–4. Responsibilities
a. The Judge Advocate General (TJAG) is responsible for the overall supervision and administration of military justice within the Army.

b. The Chief Trial Judge, U.S. Army Judiciary, as designee of TJAG, is responsible for the supervision and administration of the U.S. Army Trial Judiciary and the Military Magistrate Program.

c. The Chief, U.S. Army Trial Defense Service (USATDS), as designee of TJAG, is responsible for the detail, supervision, and control of defense counsel services within the Army.

Chapter 2
Investigation and Prosecution of Crimes Over Which the Department of Justice and the Department of Defense Have Concurrent Jurisdiction

2–1. Implementing authority
This chapter implements a Memorandum of Understanding (MOU) (January 1985) between the Department of Defense (DOD) and the Department of Justice (DOJ) delineating the areas of responsibility for investigating and prosecuting offenses over which the two departments have concurrent jurisdiction. The MOU is available at appendix 3 of the MCM and is also known as DOD Directive 5525.7. DOD directives are available at http://www.dtic.mil/whs/directives/.

2–2. Local application
Decisions with respect to the provisions of the MOU will, whenever possible, be made at the local level between the responsible DOJ investigative agency and the local military commander (para D.1 of the MOU). If an agreement is not reached at the local level, the local commander will (if he or she does not exercise general court-martial (GCM) jurisdiction) promptly advise the commander exercising GCM jurisdiction over his or her command. If the commander exercising GCM jurisdiction (acting through his or her staff judge advocate (SJA)) is unable to effect an agreement, the matter will be reported to the Criminal Law Division (DAJA–CL), Headquarters, Department of the Army (HQDA), The Judge Advocate General, 1777 North Kent Street, Rosslyn, VA 22209–2194.

2–3. Action by convening authority
Before taking any action with a view toward court-martial, courts-martial convening authorities will ensure that Federal civilian authorities are consulted under the MOU in cases likely to be prosecuted in the U.S. district courts.

2–4. Grants of immunity
a. General. Grants of immunity may be made under the Uniform Code of Military Justice (UCMJ), R.C.M. 704, and directives issued by the Secretary of the Army (SA), subject to the guidance set forth in this paragraph.

b. Persons subject to the UCMJ. The authority of courts-martial convening authorities extends only to grants of immunity from action under the UCMJ. However, even if it is determined that a witness is subject to the UCMJ, the convening authority should not grant immunity before determining under the MOU that the DOJ has no interest in the case.

c. Persons not subject to the UCMJ. If a prospective witness is not subject to the UCMJ or if DOJ has an interest in the case, the grant of immunity must be issued under 18 USC 6001–6005. In those instances, the following procedures are applicable:

(1) Draft a proposed order to testify for the signature of the GCM convening authority (GCMCA). Include in the requisite findings that the witness is likely to refuse to testify on Fifth Amendment grounds and that the testimony of
the witness is necessary to the public interest. Forward the unsigned draft to the Criminal Law Division (DAJA–CL), HQDA, The Judge Advocate General, 1777 North Kent Street, Rosslyn, VA 22209–2194, for coordination with DOD and DOJ and approval by the Attorney General.

(2) Include the following information in the request, if available:
(a) Name, citation, or other identifying information of the proceeding in which the order is to be used.
(b) Name and social security number of the individual for whom the immunity is requested.
(c) Name of the employer or company with which the witness is associated.
(d) Date and place of birth of the witness.
(e) Federal Bureau of Investigation (FBI) number or local police number, if any.
(f) Whether any State or Federal charges are pending against the prospective witness and the nature of the charges.
(g) Whether the witness is currently incarcerated and if so, under what conditions and for what length of time.
(h) Military status and organization.
(i) Whether the witness would be likely to testify under a grant of immunity thus precluding the use of the testimony against him or her.
(j) Factual basis supporting the finding that the witness is likely to refuse to testify on Fifth Amendment grounds.
(k) General nature of the charges to be tried in the proceeding at which the witness’ testimony is desired.
(l) Offenses, if known, to which the witness’ testimony might tend to incriminate the witness.
(m) The anticipated date on which the order will be issued.
(n) A summary of the expected testimony of the witness concerning the particular case in issue.

(3) If the Attorney General has authorized a grant of immunity, furnish the following information through the Criminal Law Division (DAJA–CL), HQDA, The Judge Advocate General, 1777 North Kent Street, Rosslyn, VA 22209–2194, to the Witness Immunity Unit, Criminal Division, Department of Justice, Washington, DC 20530, after the witness has testified, refused to testify, or the proceedings have been terminated without the witness being called to testify:
(a) Name, citation, or other identifying information of the proceeding in which the order was requested.
(b) Date of the examination of the witness.
(c) Name and address of the witness.
(d) Whether the witness invoked the privilege against self-incrimination.
(e) Whether the immunity order was issued.
(f) Whether the witness testified pursuant to the order.
(g) If the witness refused to comply with the order, whether contempt proceedings were instituted or are contemplated, and the result of the contempt proceeding, if concluded.

d. Cases involving threats to U.S. national security. A proposed grant of immunity will be forwarded to the Criminal Law Division (DAJA–CL), HQDA, The Judge Advocate General, 1777 North Kent Street, Rosslyn, VA 22209–2194. After coordination with the Office of the Deputy Chief of Staff, G–2, the proposed grant will be forwarded through the Army’s General Counsel, to the General Counsel, DOD, for consultation with the DOJ in cases involving—
(1) Espionage.
(2) Subversion.
(3) Aiding the enemy.
(4) Sabotage.
(5) Spying.
(6) Violation of rules or statutes concerning classified information, or the foreign relations of the United States.

2–5. Administrative action
Administrative action according to paragraph F.1 of the MOU will be conducted in such a manner so as not to interfere with or otherwise prejudice the investigation by the responsible DOJ investigative agency.

2–6. Threats against the President
In cases involving persons subject to the UCMJ who have allegedly made threats against the President or successors to the Presidency in violation of 18 USC 871, the U.S. Secret Service has primary investigative responsibility. All investigative agencies will cooperate fully with the Secret Service when called on to do so. After the investigation is completed, the SJA representing the commander who exercises GCCM jurisdiction over the military suspect will meet with representatives of the DOJ and the Secret Service to determine whether military authorities or DOJ will exercise further jurisdiction in the case.

2–7. Reporting requirements for cases involving national security crimes

a. Prior to preferment of charges SJs will provide an unclassified executive summary via e-mail to HQDA, Criminal Law Division (DAJA–CL) of The Judge Advocate General, regarding potential court-martial proceedings in cases that
have national security implications. This is in addition to the reporting requirements set forth for cases involving a threat to U.S. national security in which a grant of immunity is being proposed in accordance with paragraph 2-4d. SJAs will also provide a copy of the unclassified executive summary via e-mail to HQDA, International and Operational Law Division (DAJA-10) of The Judge Advocate General. These cases involve offenses such as—

1. Sedition (UCMJ Articles 82 and 94) when foreign power involvement is suspected.
2. Aiding the enemy by giving intelligence to the enemy (Article 104 element).
3. Espionage (Article 106).
4. Suspected or actual unauthorized acquisition of military technology, research and development information, or
   Army acquisition program information, by or on behalf of a foreign power.
5. Violation of rules or statutes concerning classified information, or the foreign relations of the United States.
6. Subversion, treason, domestic terrorism, and known or suspected unauthorized disclosure of classified information or material.
7. Attempts (Article 80), solicitations (Article 134) or conspiracies (Article 81) to commit (1) through (8) above.

b. SJA notification is designed to improve force protection and security while at the same time protecting the accused’s right to a fair trial, free from unlawful command influence.

Chapter 3
Nonjudicial Punishment

Section I
Applicable Policies (para 1, part V, MCM)

3-1. General

This chapter implements and amplifies Article 15, UCMJ, and part V, MCM. No action should be taken under the authority of Article 15, UCMJ, without referring to the appropriate provisions of the MCM and this chapter. This chapter prescribes requirements, policies, limitations, and procedures for—
a. Commanders at all levels imposing nonjudicial punishment.
b. Members on whom this punishment is to be imposed.
c. Other persons who may take some action with respect to the proceedings.

3-2. Use of nonjudicial punishment

A commander should use nonpunitive measures to the fullest extent to further the efficiency of the command before resorting to nonjudicial punishment (para 1d(1), part V, MCM). Use of nonjudicial punishment is proper in all cases involving minor offenses in which nonpunitive measures are considered inadequate or inappropriate. If it is clear that nonjudicial punishment will not be sufficient to meet the ends of justice, more stringent measures must be taken. Prompt action is essential for nonjudicial punishment to have the proper corrective effect. Nonjudicial punishment may be imposed to—
a. Correct, educate, and reform offenders who the imposing commander determines cannot benefit from less stringent measures.
b. Preserve a soldier's record of service from unnecessary stigma by record of court-martial conviction.
c. Further military efficiency by disposing of minor offenses in a manner requiring less time and personnel than trial by court-martial.

3-3. Relationship of nonjudicial punishment to nonpunitive measures (para 1g, part V, MCM)

a. General. Nonjudicial punishment is imposed to correct misconduct in violation of the UCMJ. Such conduct may result from intentional disregard of or failure to comply with prescribed standards of military conduct. Nonpunitive measures usually deal with misconduct resulting from simple neglect, forgetfulness, laziness, inattention to instructions, sloppy habits, immaturity, difficulty in adjusting to disciplined military life, and similar deficiencies. These measures are primarily tools for teaching proper standards of conduct and performance and do not constitute punishment. Included among nonpunitive measures are denial of pass or other privileges, counseling, administrative reduction in grade, administrative reprimands and admonitions, extra training (Army Regulation (AR) 600-20), bar to reenlistment, and military occupational specialty (MOS) reclassification. Certain commanders may administratively reduce enlisted persons for inefficiency and other reasons. This authority exists apart from any authority to punish misconduct under Article 15. These two separate and distinct kinds of authority should not be confused.
b. Reprimands and admonitions,
   1 Commanding officers have authority to give admonitions or reprimands either as an administrative measure or as
Appendix B
OFFENSES INVESTIGATED BY MILITARY POLICE

Article of UCMJ Description of offense
77 Principal of an offense listed in this table.
78 Accessory after the fact to an offense listed in this table.
79 Lesser included offense of an offense listed in this table.
80 Attempts to commit an offense listed in this table.
81 Conspiring to commit an offense listed in this table.
85 Desertion.
86 Absent without leave for more than 24 hours.
87 Missing movement of ship, aircraft, or unit.
92 Knowingly failing to obey any lawful order (not a general order or regulation).
95 Resisting apprehension.
96 Escape from custody or confinement.
103 Suffering a prisoner duly committed to his charge to escape. Through neglect.
107 Signing any false record, return, regulation, order, or other official document statement.
108 Selling or otherwise disposing of military property of the United States of a value of less than $250.
Through neglect, destroying, or losing of through neglect, suffering to be damaged, destroyed or lost, sold or wrongfully disposed of, any item of military property of the United States of a value of less than $250.
Willfully damaging, destroying or losing, or willfully suffering to be lost, damaged, destroyed, sold or wrongfully disposed of, any item of military property of the United States of a value of the damage of less than $250.
109 Wasting, spoiling, destroying or damaging any property other than military property of the United States of a value of less than $250.
110 Operating any vehicle while drunk, or in a reckless or wanton manner.
114 Duelling.
115 Feigning illness, physical disablement, mental lapse, or derangement.
116 Breach of the peace.
117 Provoking or reproachful words or gestures.
121 Larceny of property of a value of less than $250.
Wrongful appropriation of property of a value of less than $250.
Check, worthless, making, drawing, uttering, delivering, with intent to defraud or deceive when the amount involved is less than $250.
126 Arson (simple) where the property is of a value under $250.
128 Assault (simple).
Assault (consummated by a battery) (except on a child under the age of 16 years).
132 Frauds against the United States when the amount involved is less than $250.
134 Check, worthless, making and uttering, by dishonorably failing to maintain sufficient funds.
Escape from correctional custody.
Breach of restraint during correctional custody.
Debts, dishonorably failing to pay.
Disorderly conduct.
Drinking liquor with a prisoner.
Drugs, habit-forming, wrongful possession or use in accordance with paragraph 4-3, this regulation.
Drugs, marijuana, wrongful possession or use in accordance with paragraph 4-3, this regulation.
Drunk.
Drunk and disorderly.
False or unauthorized military pass, permit, discharge certificate or identification card except making, altering, selling, or processing/using with intent to defraud.
False pretenses, obtaining services, under, of a value of less than $250.
Appendix C
WARNING OF RIGHTS

C-1. Warning.
Prior to any questioning, a suspect or accused person must be given a proper warning of his rights. The individual must first be informed of this official position of the person questioning him, the general nature of the offense(s), and the fact that he is a suspect. Then he must be given this warning: “BEFORE I ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.”

a. “YOU DO NOT HAVE TO ANSWER MY QUESTIONS OR SAY ANYTHING.”

b. “ANYTHING YOU SAY OR DO CAN BE USED AS EVIDENCE AGAINST YOU IN A CRIMINAL TRIAL.”

c. (For personnel subject to the UCMI)
“YOU HAVE A RIGHT TO TALK TO A LAWYER BEFORE OR AFTER QUESTIONING OR HAVE A LAWYER PRESENT WITH YOU DURING QUESTIONING. THIS LAWYER CAN BE A CIVILIAN LAWYER YOU ARRANGE FOR, AND IF NECESSARY, YOU PAY FOR, OR A MILITARY LAWYER DETAINED FOR YOU AT NO EXPENSE TO YOU. ALSO, YOU MAY ASK FOR A MILITARY LAWYER OF YOUR CHOICE BY NAME, AND HE WILL BE DETAINED FOR YOU IF HIS SUPERIORS DETERMINE THAT THE IS REASONABLE AVAILABLE.”

d. (For civilians not subject to the UCMI)
“YOU HAVE A RIGHT TO TALK TO A LAWYER BEFORE OR AFTER QUESTIONING OR HAVE A LAWYER PRESENT WITH YOU DURING QUESTIONING. IF YOU CANNOT AFFORD A LAWYER AND WANT ONE, ARRANGEMENTS WILL BE MADE TO OBTAIN A LAWYER FOR YOU.”

C-2. Waiver.
After the warning is given, it must be determined whether the accused or suspect understands his rights and is able freely, knowingly, and intelligently to waive them. If he does so understand his rights, he must then specifically be asked these two questions,

a. “DO YOU WANT A LAWYER AT THIS TIME?” (If the suspect/accused says “Yes,” stop the questioning until he has a lawyer. If the suspect/accused says “No,” ask him the following question.)

b. “AT THIS TIME, ARE YOU WILLING TO DISCUSS THE OFFENSE(S) UNDER INVESTIGATION?” (If the suspect/accused says “No,” stop the interview and have him read and sign the non-waiver section of the waiver certificate on DA Form 3881 (Rights Warning Procedure/Waiver Certificate). If the suspect says “Yes,” have him read and sign the waiver section of the waiver certificate on DA Form 3881.)

C-3. Special instructions.

a. If the accused is questioned orally, he must be read the waiver certificate and asked if he would like to consult a lawyer. If he does not wish to consult a lawyer, he must be informed of his rights and must be questioned. If he does not wish to consult a lawyer, he must be informed of his rights and must be questioned. If he does not wish to consult a lawyer, he must be informed of his rights and must be questioned. If he does not wish to consult a lawyer, he must be informed of his rights and must be questioned.

b. If the accused is questioned orally, he must be read the waiver certificate and asked if he would like to consult a lawyer. If he does not wish to consult a lawyer, he must be informed of his rights and must be questioned. If he does not wish to consult a lawyer, he must be informed of his rights and must be questioned.

c. If the accused is questioned orally, he must be read the waiver certificate and asked if he would like to consult a lawyer. If he does not wish to consult a lawyer, he must be informed of his rights and must be questioned. If he does not wish to consult a lawyer, he must be informed of his rights and must be questioned.

d. If the accused is questioned orally, he must be read the waiver certificate and asked if he would like to consult a lawyer. If he does not wish to consult a lawyer, he must be informed of his rights and must be questioned. If he does not wish to consult a lawyer, he must be informed of his rights and must be questioned.

C-4. Prior inculminating statements.

a. If the accused made spontaneous inculminating statements before being properly advised of his rights, he should be told that such statements do not obligate him to answer further questions as such statements do not obligate him to answer further questions.

b. If the accused was questioned as such previously without being advised properly of his rights, he should be told that statements made at that time cannot be used against him and that he does not obligate him to answer further questions.

c. If a or b above apply, the fact that the accused was advised accordingly should be noted on the waiver certificate and initialed by the suspect/accused.
Criminal Investigation

Criminal Investigation Activities

Headquarters
Department of the Army
Washington, DC
30 October 1985

Unclassified
Table B-1
—Continued

Article of UCMJ: 92
Description of offense: Violation of a punitive lawful general order or regulation. (This pertains to those criminal offenses not covered by a specific article such as currency violations, black marketing in the aggregate amount of $1,000 or more in a 30-day period, or conflict of interest)

Article of UCMJ: 93
Description of offense: Cruelty, oppression, or maltreatment

Article of UCMJ: 94
Description of offense: Mutiny, sedition

Article of UCMJ: 96
Description of offense:
  a. Releasing without proper authority a prisoner duly committed to his charge.
  b. Suffering a prisoner duly committed to his charge to escape through design.

Article of UCMJ: 97
Description of offense: Unlawful detention

Article of UCMJ: 103
Description of offense:
  a. Captured or abandoned property of a value of $1,000 or more or any property of a sensitive nature as described in appendix G, failing to secure, report and turnover, selling, or otherwise wrongfully dealing in or disposing of.
  b. Looting or pillaging

Article of UCMJ: 107
Description of offense: False official statements when in conjunction with another offense normally investigated by CID

Article of UCMJ: 108
Description of offense:
  a. Selling or otherwise disposing of military property of the United States of an aggregate value of $1,000 or more, or any property of a sensitive nature as described in appendix G.
  b. Wilfully damaging, destroying or losing, or wilfully suffering to be lost, damaged, destroyed, sold, or wrongfully disposed of, military property of the United States of a value or damage of $1,000 or more

Article of UCMJ: 109
Description of offense: Wasting, spoiling, destroying, or damaging any property other than military property of the United States of an aggregate value or damage of $1,000 or more

Article of UCMJ: 110
Description of offense: Hazarding or suffering to be hazarded any vessel of the armed forces

Article of UCMJ: 112a
Description of offense: Wrongful use, possession, manufacture, distribution, introduction, importation, exportation of controlled substances (except as provided in 3-3a(2))

Article of UCMJ: 115
Description of offense: Maligning involving intentional self-inflicted injury requiring hospitalization

Article of UCMJ: 116
Description of offense: Riot

Article of UCMJ: 118
Description of offense: Murder

Article of UCMJ: 119
Description of offense: Manslaughter

Article of UCMJ: 120
Description of offense: Rape or carnal knowledge

Article of UCMJ: 121
Description of offense:
  a. Larceny or wrongful appropriation of property, including aircraft or vessels, of an aggregate value of $1,000 or more
  b. Larceny of any motor vehicle of a value of $1,000 or more
Table B-1
---Continued

<table>
<thead>
<tr>
<th>Article of UCMJ:</th>
<th>Description of offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>122</td>
<td>Robbery</td>
</tr>
<tr>
<td>123</td>
<td>Forgery</td>
</tr>
<tr>
<td>123a</td>
<td>Check, worthless, making, drawing, uttering, or delivering, with intent to defraud (for procurement of any article or thing of value) in the aggregate amount of $1,000 or more</td>
</tr>
<tr>
<td>124</td>
<td>Maiming</td>
</tr>
<tr>
<td>125</td>
<td>Sodomy</td>
</tr>
<tr>
<td>126</td>
<td>Extortion</td>
</tr>
<tr>
<td>127</td>
<td>Assault (consummated by a battery) on a child under the age of 16 years</td>
</tr>
<tr>
<td>128</td>
<td>Burglary, when associated with another crime normally investigated by the USACIDC</td>
</tr>
<tr>
<td>129</td>
<td>Housebreaking, when associated with another crime normally investigated by CID</td>
</tr>
<tr>
<td>130</td>
<td>Perjury</td>
</tr>
<tr>
<td>131</td>
<td>Frauds against the United States when the amount involved is $500 or more</td>
</tr>
<tr>
<td>132</td>
<td>Assault</td>
</tr>
<tr>
<td>133</td>
<td>Bribe or graft: accepting, asking, receiving, offering, promising, or giving</td>
</tr>
<tr>
<td>134</td>
<td>Burning, with intent to defraud</td>
</tr>
<tr>
<td>135</td>
<td>False or unauthorized military pass, permit discharge certificate, or identification card: making, altering, selling, possessing, counterfeiting, or using with intent to defraud or deceive</td>
</tr>
<tr>
<td>136</td>
<td>False pretenses, obtaining services under, of a value of $1,000 or more</td>
</tr>
<tr>
<td>137</td>
<td>Homicide, negligent</td>
</tr>
</tbody>
</table>

Appendix C
Preparation of DA Report of Investigation
(Appendix C will be published at a later date. MPI will continue to use their current forms until this appendix is published.)

Appendix D
(Appendix D will be published at a later date)

Appendix E
Preparation of the DA Form 2804, Crime Records Data Reference

E-1. General
Potential investigative assistance can be negated by failure to provide complete data on DA Form 2804, Crime Records Data Reference, by misspelling names, or by listing incorrect data. Careful attention to the completion of this form is essential to its utility.
La Mesa Army Navy MOU.PDF
MEMORANDUM OF AGREEMENT
BETWEEN
NAVAL SUPPORT ACTIVITY MONTEREY
AND
PRESIDIO OF MONTEREY, DEFENSE LANGUAGE INSTITUTE
FOREIGN LANGUAGE CENTER

Subj: RELINQUISHMENT OF LAW ENFORCEMENT JURISDICTION

1. Effective 0001 hours, 1 April 2004, the Naval Postgraduate School/Naval Support Activity Monterey officially relinquishes law enforcement jurisdiction of the La Mesa Housing area and all property therein for the express purpose of emergency response, traffic enforcement and criminal investigation efforts to the United States Army Garrison, Presidio of Monterey, California. This authority is to remain in effect until properly rescinded.

[Signatures]

D. A. SMARSH, COL., USAF
Commanding Officer
Naval Support Activity Monterey

J. S. CAIRNS, COL., USA
Garrison Commander
Presidio of Monterey

Copy to:
CNRSAW
Commandant, DLIFLC
SRU MOU 2010.pdf
AGREEMENT BETWEEN THE CITIES OF
SEASIDE, MARINA, MONTEREY, PACIFIC GROVE, SAND CITY,
CARMEL, AND CALIFORNIA STATE UNIVERSITY AT
MONTEREY BAY FOR THE IMPLEMENTATION AND DEPLOYMENT OF A
REGIONAL POLICE SPECIAL RESPONSE UNIT (SRU) CONSISTING OF SPECIAL WEAPONS
& TACTICS, TACTICAL MEDICINE AND CRISIS NEGOTIATION TEAM COMPONENTS

This agreement ("Agreement") is made by and between the Cities of SEASIDE, MARINA,
MONTEREY, PACIFIC GROVE, SAND CITY, CARMEL, AND CALIFORNIA STATE UNIVERSITY
AT MONTEREY BAY (hereinafter collectively as the "Parties" or "Police Agencies" or in their
individual capacities as "Police Agency" or "Party").

The Parties share not only common boundaries and/or geographic proximity on the Monterey
Peninsula, but also mutual demands for police response. It is to the mutual advantage and benefit of
the Parties to render supplemental police services to each other in the event of dangerous and
unusual critical incidents, high-risk planned tactical operations, the execution of search warrants, or
other situation that are likely to be beyond the control of the services, personnel, equipment, and
facilities of the Police Agency having jurisdiction of the area in which the incident occurs.

The Parties recognize that mutual aid and cooperation in response to critical incidents can be
enhanced and made more flexible and effective by combining police and other personnel for such
situations.

The Parties desire to formally establish by this Agreement a regional effort to work in conjunction
with each other to effectively meet such demands for police response and to clarify the legal
relationships of the Parties.

In consideration of the mutual promises contained herein, it is agreed as follows:

1. Personnel and Selection.

   a. The Regional Special Response Unit ("Regional SRU") shall consist of a Special Weapons and
      Tactics ("SWAT") Team, a Tactical Emergency Medic Team ("TEM's"), and a Crisis Negotiations
      Team ("CNT"). The Regional SRU configuration may be comprised of as many sub-teams or
      reserve teams as needed for a particular incident.

   b. A Regional SRU Board ("Board") shall be established to provide oversight of the Regional SRU
to include, but not be limited to, the adoption of policies and procedures, the selection of command
staff and team members, Agreement compliance, and budget management. The Board shall consist
of the Parties' police chiefs, and one city Party's fire chief selected by the Board.

   c. The Parties shall assign and maintain officers, supervisors, and employees for the Regional SRU
      sufficient to provide appropriate joint coverage for critical incidents as determined by the Board.

   d. The Board shall establish minimum qualifications and selection process for team members,
      including, but not limited to, physical agility and tactical firearms qualifications. The Board shall
      mutually agree upon the selection of candidate(s) for the Regional SRU and each member of the
      Board will have final approval or rejection of any candidate, regardless of which Party employs the
      candidate.
2. **Supervision and Command.**

a. The incident commander of the Police Agency in whose jurisdiction a critical incident is located may request a response from the Regional SRU. The Regional SRU commander, in his or her sole discretion, shall decide whether the Regional SRU should respond to the incident. If the Regional SRU commander decides a Regional SRU response is appropriate, then each Police Agency should respond to the request for Regional SRU services as promptly and fully as possible.

b. All employees of the Parties participating in any response under this Agreement, or any training involving a Regional SRU exercise or event, shall be subject to the exclusive chain of command of the Regional SRU.

c. The Police Agency requesting Regional SRU assistance shall identify the incident commander. The incident commander must approve any tactical plan. The Police Agency incident commander shall work collaboratively with the Regional SRU commander to facilitate the Regional SRU response. The Regional SRU commander will take charge of the operational function of the Regional SRU and will present a tactical action plan to the Police Agency incident commander for approval as soon as possible. The Police Agency incident commander must approve the Regional SRU commander’s tactical plan before its implementation.

d. In the event of the death of or serious injury to any person(s) when the circumstances of the death or injury involves a peace officer, the Regional SRU shall request that the Monterey County District Attorney’s Office conduct an independent investigation pursuant to the Monterey County District Attorney’s Protocol For Officer-Involved Shootings (OIS) and In-Custody Death (ICD) protocol, or any version subsequently adopted.

e. In its sole discretion and pursuant to its own policy, each Police Agency is responsible for conducting its own internal affairs investigation pertaining to its own officers. In cases that involve officers from different Police Agencies, the investigation may be conducted by an independent law enforcement agency or consultant selected by the Board and with approval from the Police Agencies whose officers are subjects of the investigation. The cost of any joint investigation will be shared equally by the Police Agencies involved in the investigation.

3. **Costs and Expenses.**

a. No Police Agency furnishing aid pursuant to this Agreement shall be entitled to compensation for services rendered to a requesting Police Agency. Each Party (i) will be responsible for all personnel costs and obligations associated with any staff member it assigns to the Regional SRU, including, but not limited to, base salary and benefits, overtime salary and benefits, Worker's Compensation benefits, death benefits, disability benefits, and safety officer industrial disability retirement benefits; and (ii) agrees to waive any and all subrogation rights against Parties that may accrue from payment of such benefits.

b. Each Party will also be responsible for the costs of all necessary individual tactical equipment and weapon(s) issued to the team member employed by the Party.

c. The Board will manage any grants received by the Regional SRU.

4. **Policies and Procedures.**

a. The Board shall establish and agree upon Standard Operating Procedures ("SOP") for the operation of the Regional SRU.
b. The SOP will be consistent with the California Commission of P.O.S.T. (Peace Officers Standards and Training) “S.W.A.T. Operational Guidelines and Standardized Training Recommendations” report from July 2005, or as it may be amended or revised in the future.

c. The SOP shall include, but not be limited to, executive oversight of the Regional SRU, chain of command control over the critical incident responses, and procedures for activation of the Regional SRU in response to critical incidents. In cases of conflicting Police Agency policy regarding enforcement activities, including, but not limited to, shooting policy, approved weapons, pursuit policy) the policies of the officer's employing Police Agency in effect at the time of the enforcement activity shall apply.

5. Liability

a. In assigning personnel to the Regional SRU, or while performing under this Agreement, or while participating in Regional SRU training, each Party shall consider any such assignment, deployment, or training an act of "mutual aid" in assistance of a law enforcement agency pursuant to California Government Code sections 55632 and 55634.

b. The city or public entity whose Police Agency requests Regional SRU assistance shall indemnify, hold harmless, and defend all other agencies and public entities that are signatories to this agreement from any claims or liabilities that may arise out of the implementation of a Regional SRU tactical plan as described herein if (1) the request for Regional SRU response was authorized by the requesting agency incident commander, and (2) the Regional SRU commander approved response by the Regional SRU, and (3) a tactical plan was communicated to the requesting Police Agency incident commander by the Regional SRU commander, and (4) the requesting Police Agency incident commander approved the tactical plan, and (5) the conduct of the Regional SRU members was in compliance with the approved tactical plan.

c. In any and all other circumstances apart from the implementation of the Regional SRU tactical plan as set forth in Paragraph 5(b) above, each Party shall be responsible for the acts, errors, or omissions of its own assigned officers, agents, or employees and shall incur any liabilities arising out of the services and activities of those officers, agents, or employees while participating in the Regional SRU. Personnel assigned to perform services for the Regional SRU shall be deemed to be continuing under the employment of their respective employers, and shall continue to have the same powers, duties, privileges, responsibilities, and immunities as are conferred upon them as peace officers or other employees in their own jurisdictions.

d. Except as set forth in Paragraph 5(b) above, each Party shall hold harmless, defend, and indemnify each and every other Party, its officers, agents, and employees from and against any liabilities, claims, actions, costs, damages or losses of any kind, including, but not limited to, death or injury to any person, and/or damage to property, arising out of the acts, errors, or omissions of its officers, agents, and employees under this Agreement.

e. Except as set forth in Paragraph 5(b) above, no Party shall be responsible for the acts, errors, or omissions of another Party's officers, agents, or employees, nor incur any liabilities arising out of the services and activities of another Party's officers, agents, or employees.

f. In the event of a civil claim (the "Underlying Claim") by a third party (which could include an employee of one Party who is filing a civil claim) against any one or more Parties based on the Regional SRU's activities, all Parties agree to defer any claims against another participating agency, its officer(s) or employees until the Underlying Claim is settled or otherwise determined. Thereafter, any claims between or among Parties shall be resolved in accordance with law.
h. Nothing in this Agreement shall be read as waiving or limiting any defense to claims of liability otherwise available to law enforcement officers, fire personnel, and/or public employees, such as the defense of qualified immunity. Nothing in this Agreement shall be read as intending to create or creating a higher duty of care on the part of any Party or its officers than would otherwise exist under existing law and the involved Party’s own policies, practices, and procedures.

Personnel assigned to perform services for the SRU shall be deemed to be continuing under the employment of their respective employers, and shall continue to have the same powers, duties, privileges, responsibilities, and immunities as are conferred upon them as peace officers or fire personnel or other employees in their own jurisdictions.


The Police Chiefs of all the Parties shall jointly promulgate written guidelines for the implementation of this Agreement. Said guidelines shall be in writing and approved by a majority vote of the Board. Such guidelines may be changed as necessary from time to time.

7. Third Parties

This Agreement shall not be construed as, or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have a right of action hereunder for any cause whatsoever.

8. Modification

This Agreement is the entire contract between the parties. This Agreement shall supercede any previous agreements, oral or written, implied or express, between the parties, with respect to implementation and deployment of the Regional SRU. No waiver or modification of this Agreement shall be valid unless it is in writing and executed by the Parties.

9. Independent Advice

Each Police Agency hereby represents and warrants that in executing this Agreement, it does so with full knowledge of the rights and duties it may have with respect to the other. Each Police Agency also represents and warrants that it has received independent legal advice from its attorney with respect to the matters set forth in this Agreement, and the rights and duties arising out of this Agreement.

10. Notices

All notices which are required or allowed under this Agreement shall be given to a Police Agency’s representative on the Board, or that Board Member’s designee. All notices shall be deemed given or sent when deposited, as certified mail or for overnight delivery, postage and fees prepaid, in the United States mails; when delivered to Federal Express, United Parcel Service, DHL WorldWide Express, or Airborne Express, for overnight delivery, charges prepaid or charged to the sender’s account; when personally delivered to the recipient; when transmitted by electronic means, and such transmission is electronically confirmed as having been successfully transmitted; or when delivered to the home or office of a recipient in the care of a person whom the sender has reason to believe will promptly communicate the notice to the recipient.
11. Dispute Resolution

If any dispute arises between the Parties as to proper interpretation or application of this Agreement, the Parties shall first meet and confer in a good faith attempt to resolve the matter between themselves. If the dispute is not resolved by meeting and conferring, the matter shall be submitted for formal mediation to a mediator selected mutually by the parties. The expenses of such mediation shall be shared equally between the Parties.

12. Termination

This Agreement shall be for an indefinite term unless the Parties implement a joint exercise of powers agreement pursuant to Government Code section 6500, et. seq. ("JPA") at which time this Agreement shall automatically terminate. Any Party may terminate its participation by delivering a resolution of termination to the Regional SRU Board thirty (30) days prior to the effective date of such termination. The Parties shall work cooperatively toward the formation of a JPA with the goal being to have the necessary documents taken to each Party’s City Council or other governing body for consideration by January 1, 2011. The City of Seaside will begin immediately to facilitate the formation of the joint powers authority.

13. Signatures.

Agreement certifies that he or she has the lawful authority to execute this Agreement for and on behalf of the Party named herein.
City of Seaside

City Administrator
City of Sand City

City of Monterey

City of Marina

City of Carmel

California State University at Monterey Bay

City of Pacific Grove
Photo and In-Person Line-Up Report 11-27-17.pdf
MONTEREY POLICE DEPARTMENT

PHOTOGRAPHIC / IN-PERSON LINE UP
REPORT

Case #: ______________________  Date: ____________________
Witness: _____________________  Officer: ___________________

**Lineup Admonition**

- In a moment, you will be asked to view a series of individual photographs (persons)
- It is just as important to clear innocent persons from suspicion as it is to identify guilty parties.
- Individuals may not appear as they did on the date of the incident, as head and facial hair are subject to change.
- The person who committed the crime may or may not be shown.
- Regardless of whether you are able to identify anyone, the Police Department will continue to investigate the incident until all leads are exhausted.
- You will need to state, in your own words, how certain you are of any identification.
- I will show you photographs (people) one at a time.
- These will be presented in random order.
- You may take as much time as you need before moving on to the next one.
- Identify the person who committed the crime if he/she is present.
- You will be asked to view all photographs/people even if identification is made.
- If you wish to view the photographs/persons again, you may do so but please do not compare them to one another.
- Do not discuss details of the incident or this line-up process with other witnesses.

**Lineup Results**

<table>
<thead>
<tr>
<th>Position</th>
<th>Subject’s Name &amp; Photo Source (Enter after lineup is shown)</th>
<th>Witness Comments</th>
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<tbody>
<tr>
<td>Number 1</td>
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<td></td>
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<tr>
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<td></td>
</tr>
<tr>
<td>Number 6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*I certify that the above results are true and accurate:*

Witness Signature  Date/Time
MONTEREY COUNTY
BEHAVIORAL HEALTH CRISIS NEGOTIATION TEAM
INTER-Agency AGREEMENT

Among the following agencies:

MONTEREY COUNTY HEALTH DEPARTMENT
Behavioral Health Bureau
Acute & Legal Services

And

PEACE OFFICERS
listed as follows:

Monterey County Sheriff's Office
California State University Monterey Bay
City Carmel-by-the-Sea Police Department
	City of Greenfield
City of King City Police Department
City of Marina Police Department
City of Monterey Police Department
City of Pacific Grove Police Department
	City of Salinas Police Department
City of Sand City Police Department
City of Seaside Police Department
	City of Soledad
INTER-AGENCY AGREEMENT

I. DECLARATION

This Inter-Agency Agreement shall commence when fully executed by the parties herein, by and between the Monterey County Department of Health, Behavioral Health Bureau, hereinafter referred to as “HEALTH” and the following separate entities individually defined as the Monterey County Sheriff’s Office, California State University Monterey Bay, City Carmel-by-the-Sea Police Department, City of Greenfield, City of King City Police Department, City of Marina Police Department, City of Monterey Police Department, City of Pacific Grove Police Department, City of Salinas Police Department, City of Sand City Police Department, City of Seaside Police Department, and City of Soledad, hereinafter referred to as “PEACE OFFICER,” for the purpose of the development of the Behavioral Health Crisis Negotiation Team, hereinafter referred to as “BHCNT.” The purpose of this Inter-Agency Agreement is to identify the roles and responsibilities of each of the affected parties.

II. BACKGROUND

A. Primary Target Population

The BHCNT’s primary target population for Monterey County is:

- The individual(s) who is experiencing crisis situations such as suicidal ideations, psychotic episodes, domestic violence situations, serious mental illness, and other related mental disorders; or
- The individual(s) who comes to the attention of the PEACE OFFICER(S) due to a crisis situation; or
- The individual(s) who is unwilling to accept the PEACE OFFICER(S)’s basic intervention, which may lead to a crisis negotiation team intervention.

B. PEACE OFFICER(S) Access to BHCNT

PEACE OFFICER(S) will access the BHCNT:

- During daytime hours Monday through Friday from 0700-1700 hours by calling the crisis team at Natividad Medical Center (831) 755-4111. The crisis team will contact one of the following three (3) individuals in order of response to the PEACE OFFICER(S):
  1. Behavioral Health Unit Supervisor (Crisis Unit)
  2. Behavioral Health Services Manager (Acute & Legal Unit)
  3. Behavioral Health Deputy Director (Adult Services)

- After hours, the PEACE OFFICER(S) will contact the crisis team unit, who will contact the standby BHCNT member. Note: according to the union agreement, these employees are on standby and can be called back.
III. PURPOSE

The purpose of the BHCNT program is to provide supportive services to the PEACE OFFICER(S) when faced with a crisis situation. When requested by the PEACE OFFICER(S), a licensed clinician will respond to a crisis negotiation situation to offer clinical insight on mental illness, supportive suggestions on intervening with the individual(s) experiencing crisis, background information of individual(s) if pertinent to the situation, information on community resources/referrals, and collaboration to collect needed intelligence (i.e. family, medical, and psychiatric information, and other relevant information).

A. Expected Outcomes

The Expected Outcomes of the HEALTH’S BHCNT and the PEACE OFFICERS’ entity are:

- Increased positive interaction between Behavioral Health and PEACE OFFICERS’ personnel entities.
- Increased positive outcomes during a crisis situation with the individual(s) in Monterey County.
- Increased compliance with the PEACE OFFICERS’ entities.
- Reimbursement by the Mental Health Services Act (MHSA-Proposition 63) money to offset County expense.
- Increased knowledge of referral base in Monterey County.
- Reduction in litigation costs to the PEACE OFFICERS’ entities.
- Increased positive interaction, intervention and collaboration with school-based entities.

These outcomes are expected to result in a significant cost savings or cost avoidance to the PEACE OFFICERS’ entities, as well as a reduction in crime and deaths associated with crisis situations (i.e. suicide, homicide, danger/threat to community).

The Expected Outcomes for the individuals(s) in crisis in Monterey County are:

- Reduction in harm to self and others during crisis situation.
- Reduction in threats/distress.
- Increased positive interaction with the PEACE OFFICERS’ entities.
- Increased interaction with Behavioral Health.
- Increased benefit of collaboration with community agencies.

These outcomes are expected to result in more stable functioning of the individual(s) within Monterey County. The individual(s) who is in crisis is able to make improved choices for him/herself, including not harming him/herself or others. The individual(s) in crisis is able to access resources unknown to him/her for further stabilization including resources to help with substance abuse, anger management, suicide prevention, mental illness, and other related mental disorders.
IV. PRINCIPLES OF AGREEMENT

The general areas of responsibility between the parties of this Inter-Agency Agreement and a description of services provided are detailed in Exhibit A.

Subject is defined as the individual(s) within the boundary of Monterey County that comes to the attention of the PEACE OFFICER(S).

V. GENERAL PROVISIONS

A. MUTUAL INDEMNIFICATION

Each member agency of PEACE OFFICER, and HEALTH, hereby agrees that it shall indemnify, defend, and hold harmless the other member agencies (including the other member agencies' respective officers, agents, and employees) from and against any and all claims, liabilities, and losses whatsoever occurring or resulting to any person, firm, corporation, or entity for consequential damage, property damage, injury, or death arising out of or connected with that PEACE OFFICER member agency’s, or HEALTH’s, negligence or non-performance of its obligations under this Inter-Agency Agreement.

The provisions of this Section shall survive the expiration of the Term or Termination of this Inter-Agency Agreement.

B. INSURANCE

1. Evidence of Coverage:
   Prior to commencement of this Agreement, PEACE OFFICER and HEALTH shall provide a Certificate of Insurance certifying that coverage as required herein has been obtained. Individual endorsements executed by the insurance carrier shall accompany the certificate. In addition, PEACE OFFICER and HEALTH upon request shall provide a certified copy of the policy or policies. This verification of coverage shall be sent to the requesting PEACE OFFICER agency, or the County’s Contracts/Purchasing Department, unless otherwise directed.

2. Insurance Coverage Requirements: Without limiting PEACE OFFICER’S and HEALTH’S duty to indemnify, PEACE OFFICER and HEALTH shall maintain in effect throughout the term of this Inter-Agency Agreement a policy or policies of insurance with the following minimum limits of liability, or be validly self-insured and funded to meet these coverage obligations and limits requirements. In the event that any member agency does self-insure for any or all of its insurance obligations hereunder, that member agency agrees that it has the same obligations under this agreement as would an insurer:

   Commercial general liability insurance, including but not limited to premises and operations, including coverage for Bodily Injury and Property Damage, Personal Injury, Contractual Liability, Broad form Property Damage, Independent
Contactors, Products and Completed Operations, with a combined single limit for Bodily Injury and Property Damage of not less than $1,000,000 per occurrence $2,000,000 in aggregate.

**Business automobile liability insurance**, covering all motor vehicles, including owned, leased, non-owned, and hired vehicles, used in providing services under this Agreement, with a combined single limit for Bodily Injury and Property Damage of not less than $1,000,000 per occurrence.

**Workers Compensation Insurance**, if the PEACE OFFICER or HEALTH employs others in the performance of this Agreement, in accordance with California Labor Code section 3700 and with Employer’s liability limits not less than $1,000,000 each person, $1,000,000 each accident and $1,000,000 each disease.

3. Other Insurance Requirements:

All insurance required by this Inter-Agency Agreement shall be with a company acceptable to PEACE OFFICER and HEALTH and issued and executed by an insurer authorized to transact insurance business in the State of California. Unless otherwise specified by this Inter-Agency Agreement, all such insurance shall be written on an occurrence basis, or, if the policy is not written on an occurrence basis, such policy with the coverage required herein shall continue in effect for a period of three years following the date PEACE OFFICER and HEALTH completes its performance of services under this Agreement.

Each liability policy shall provide that the PEACE OFFICER and HEALTH shall be given notice in writing at least thirty days in advance of any endorsed reduction in coverage or limit, cancellation, or intended non-renewal thereof. Each policy shall provide coverage for the PEACE OFFICER and HEALTH as additional insureds with respect to claims arising from each PEACE OFFICER’S or HEALTH’S officers, agents, and employees, if any, performing work under this Inter-Agency Agreement, or be accompanied by a certificate of insurance from each PEACE OFFICER’S and HEALTH’S offices, agents, and employees showing each PEACE OFFICER’S and HEALTH’S offices, agents, and employees has identical or better insurance coverage to the above requirements.

Commercial general liability and automobile liability policies shall provide an endorsement naming the PEACE OFFICER’S and HEALTH’S officers, agents, and employees as Additional Insureds with respect to liability arising out of the PEACE OFFICER’S or HEALTH’S work, including ongoing and completed operations, and shall further provide that such insurance is primary insurance to any insurance or self-insurance maintained by the PEACE OFFICER or HEALTH.

Prior to the execution of this Inter-Agency Agreement by the PEACE OFFICER and HEALTH, PEACE OFFICER and HEALTH shall file certificates of insurance with the PEACE OFFICER’S and HEALTH’S contract administrator, or as otherwise directed, showing that PEACE OFFICER and HEALTH have in effect the insurance...
required by this Inter-Agency Agreement. PEACE OFFICER and HEALTH shall file a new or amended certificate of insurance within twenty calendar days after any change is made in any insurance policy, which would alter the information on the certificate then on file.

Acceptance or approval of insurance shall in no way modify or change the indemnification clause in this Inter-Agency Agreement, which shall continue in full force and effect.

PEACE OFFICER and HEALTH shall at all times during the term of this Inter-Agency Agreement maintain in force the insurance coverage required under this Inter-Agency Agreement and shall send, without demand by PEACE OFFICER or HEALTH, annual certificates to PEACE OFFICER and the County’s Contract Administrator and the County’s Contracts/Purchasing Division, or as otherwise directed by the certificate holder.

Any failure by PEACE OFFICER or HEALTH to verify compliance with these insurance requirements, or any failure to object to insurance that does not meet these requirements, shall not be considered to be a waiver of these requirements, nor shall the member agency which would benefit from such insurance be stopped from obtaining such benefits from the member agency failing to obtain such insurance or self-insurance as agreed herein.

A member agency shall be obligated to provide insurance documentation as required under this Inter-Agency Agreement upon the request of PEACE OFFICER or HEALTH.

C. TERM

This Inter-Agency Agreement shall become effective when fully executed by the parties herein, and shall remain in effect until terminated with a thirty (30) day written notice from any party. This Inter-Agency Agreement may be renewed or renegotiated upon mutual written consent of all parties. If there is a need for revision of this Inter-Agency Agreement, the initiating agency will request a meeting and provide in writing at the time of the request a draft of changes to be considered. This Inter-Agency Agreement is contingent upon available funding for the BHCNT.

D. MEETING/COMMUNICATION

HEALTH’S BHCNT and PEACE OFFICER entities shall continue to monitor implementation of this program primarily through communication between the PEACE OFFICER(S)* (Monterey County Chief Law Enforcement Officers Association) President and the HEALTH’S BHCNT Coordinator and/or their designee. The focus of the monitoring activity will be to review and evaluate operations to ensure that the individual(s) in crisis in Monterey County is receiving appropriate services. Other meetings shall be scheduled as needed to discuss other areas that affect either parties in this Inter-Agency Agreement.
VI. EXHIBITS

The following exhibit is attached and incorporated herein by reference:

- Exhibit A – Duties and Responsibilities

VII. NOTICE

Notice to the parties in connection with this agreement shall be given personally or by regular mail addressed as follows:

Ray Bullick  
Director of Health  
Department of Health  
1270 Natividad Road  
Salinas, CA 93906

Scott Miller  
Sheriff  
Office of the Sheriff  
1414 Natividad Road  
Salinas, CA 93906

Earl Lawson  
Police Chief  
CSU Monterey Bay Police  
2081Intergarrison Rd. #F  
Seaside, CA 93955-8001

Michael Calhoun  
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Monterey County Behavioral Health CNT Inter-Agency Agreement  
revised Feb. 2, 2011

Page 7 of 12
eWarrant Protocol 2017.pdf
Electronically Signed Search Warrants under P.C. §1526

Notable Changes from Prior Law:

- The affiant prepares and signs the search warrant and supporting documents BEFORE contacting the judge.
- After judge review and approval, the electronically signed search warrant and documents received by the affiant is deemed the ORIGINAL.
- There is no requirement to confirm that the affiant received it from the judge.

Procedure:

STEP 1: PREPARE the search warrant using the most updated format from the DA. (There should be language on the warrant allowing for the judge to indicate that the oath was administered telephonically.) Obtain DA approval as per normal protocol.

STEP 2: SIGN the search warrant in the proper locations. This signature may be ink on paper, a digital signature or electronic signature (if email or computer server is used).

STEP 3: SAVE the search warrant in .pdf format. Typically this will mean scanning it and saving it as a .pdf document.

STEP 4: EMAIL the search warrant to the on duty judge at odj@monterey.courts.ca.gov. Include your telephone number in the email. Do not add any extraneous comments to the email. If you email the judge directly from your scanner, be sure to send a separate email indicating the email address where you will want to receive the search warrant once it is signed.

STEP 5: NOTIFY County Communications or other communications agency to notify the on duty judge that a search warrant is ready for review and to contact you.

STEP 6: WAIT. The judge will telephone you to discuss the warrant. If the judge finds it sufficient, he/she will verify receipt of the search warrant, that it is complete and legible, and that it is your signature that appears on the warrant.

STEP 7: SWEAR. Once verified, the judge will administer the oath from you over the telephone.

STEP 8: PRINT. The judge will make the proper notations and electronically sign it and email it back to you. The copy you receive via email is deemed the original under the law, and the process is complete. If you don't receive it or if there are other irregularities, re-initiate contact with the on duty judge.
3450 Pawn and Secondhand Dealers - prior Dir 0001.pdf
I. POLICY

It shall be the policy of this department to adhere to the reporting requirements of Sections 21630 and 21634 of the California Business and Professions Code (B&P) for all pawned and secondhand articles reported to the Monterey Police Department by licensed pawn shops and secondhand dealers operating in the jurisdiction of the City of Monterey.

II. PURPOSE

To provide guidance to the agency in the processing of pawnbrokers and secondhand dealers falling within the definition of a secondhand dealer as defined in Section 21628 B&P and Section 21208 Financial Code (FC) to curtail the dissemination of stolen property and to facilitate the recovery of stolen property by means of a uniform program of regulation of persons whose principal business is the buying, selling, trading, auctioning, or taking in pawn of tangible personal property and to aid the State Board of Equalization to detect possible sales tax evasion.

III. DEFINITIONS

A. Pawnbroker

A pawnbroker is every person engaged in the business of recycling goods in pledge as a security for a loan (21000 FC).

B. Secondhand Dealer

A secondhand dealer is any person, co-partnership, firm, or corporation whose business includes buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand tangible personal property (21626 B&P).

C. Tangible Personal Property

Tangible personal property is defined as, but not limited to, all property which bears, or had evidence of bearing, a serial number or personalized initials or inscription; and all personal property commonly sold by secondhand dealers which has been determined by the Attorney General to constitute a significant class of stolen goods per 21627 B&P (jewelry, sterling silver utensils).
D. Pledged/Vested Property

Pledged property is property held as security for a loan made by a pawnbroker. Title remains with the pledger. Vested property is property that has not been redeemed during the statutory time and title has passed to the pawnbroker (21002 FC).

IV. PROCEDURES

A. Pawnshop/Secondhand Dealer Responsibilities

1. All pawnbroker and secondhand dealers shall file with the Chief of Police an application package to conduct business as a pawnbroker or secondhand dealer (21300 FC, 21641 B&P). The license shall be renewed every other year from the date of issuance (21301 FC, 21642 B&P).

2. All pawnbrokers shall report daily all pledges and secondhand dealer transactions to the Chief of Police (21208 FC).

3. All secondhand dealers shall report daily tangible personal property transactions which have been purchased, taken in trade, taken in pawn, consigned, or accepted for auctioning to the Chief of Police (21628 B&P).

4. All tangible personal property reported by a secondhand dealer, pawnbroker, or coin dealer must be held for a period of 30 days (21636 B&P). The 30 day hold begins with the time the report was made with the agency. Upon request, any property on hold shall be produced for inspection by law enforcement. Law enforcement may for good cause allow the disposition of property earlier than 30 days. Items taken in pawn are not subject to the 30 day hold (21638.5 B&P).

5. All pawnbroker and secondhand dealers shall follow all Financial Code and Business and Profession Codes.

B. Agency Responsibilities (Crime Analyst is responsible for program)

1. Ensure proper licensing and renewal of pawnbrokers and secondhand dealers falling within the definition defined in Section 21626 B&P. Renewal license to be issued every two years.

2. Ensure pawn/secondhand dealers are accurately completing and submitting dealer reports in a timely manner as required in Section 21628 B&P and Section 21208 FC.
3. All serialized and non-serialized items to be entered into the DOJ Automated Property System (APS) or Automated Firearms System (AFS) as a pawn /buy, whatever the case may be.

4. Monitor APS/AFS to ensure correct information is being entered into the system, i.e., correct dealer code, dealer report number, date of transaction and appropriate pawn/buy code.

5. Notify originating agency of APS/AFS stolen entry when a possible match is noted on a pawn/buy entry. Place a hold for the agency on the items when it appears to be the same item. Send an APS/AFS locate message to the originating agency if they can confirm it is the same item and it is still stolen.

6. Respond promptly to other agency notifications of possible stolen matches. If the item can be confirmed, cancel the item from APS/AFS. Arrange for the seizure, the release, or cancellation of the hold on the item.

7. Maintain file of dealer reports for at least three years.

8. Copies of reports from out-of-town pledgers/sellers be sent to the jurisdiction where they reside.


10. Make periodic checks of dealers for compliance with state requirements, checking on property purchased, taken in trade, taken in pawn, consigned, and inspection of pawn records.

11. When there is probable cause to believe that property is stolen the police officer may:

(a) Place a hold on the property by means of a written notice for a period not to exceed 90 days.

1) Notify the person who reported the property as lost or stolen, in writing, the name, address and phone number of the location of the property, that the law neither requires nor prohibits payment of a fee or any other condition on return for the property and that after 60 days the dealer may treat the property received in the ordinary course of business.
2) Provide the dealer with a receipt as required in 21206.7 FC. Forward a copy of the notice, with the address of the person deleted, to the dealer. 21647 B&P

3) This 90 day hold does not preclude the officer to seize the item later at their discretion.

(b) Seize the property under the rules of plain view seizure without a warrant, given the fact the officer has the right to be in the position to view the property, the officer has probable cause to believe the property is evidence in a crime, and the officer provides a dealer a receipt as required in 21206.7 FC. This does not authorize the officer to seize the property for the purpose of turning it over to the person claiming the property was stolen. The Seizure should be based on its evidentiary value in a criminal proceeding.

(c) Obtain a search warrant listing to be seized. A warrant is desired for property outside their jurisdiction and in cases involving serious felonies or violent crimes where the item is evidence in that crime. A search warrant will ensure the admissibility of the property in court and limit grounds for suppression. A warrant is recommended where the dealer is expected to object to the seizure or if they may be a suspect in the criminal investigation.

12. Before seizing property from a pawnbroker or secondhand dealer located in another jurisdiction, as a courtesy the local agency should be notified.

13. Ensure that recovered or seized property is removed from APS/AFS.

14. Whenever property has been taken from a pawn or secondhand dealer the person having custody of that property shall not deliver the property to any person claiming ownership unless the provisions of section 21206.8 FC are complied with:

(a) If any person makes a claim of ownership, notification must be made to the pawn/secondhand dealer.

(b) If the pawn/secondhand dealer makes no claim within 15 days, the property may be disposed of as otherwise provided by law.

(c) If property is seized from a pawn/secondhand dealer, prior to disposal pursuant to section 1411 PC, the notice to be given to the owner shall be given to the pawn/secondhand dealer and shall not be disposed of until three months after such notice.
15. To avoid potential civil suits, ensure compliance with sections 1407
1413 PC regarding notifications to the owner of seized property and the
pawn/secondhand dealer who has a vested interest in said property
prior to disposing of property.

Gary E. Brown
Police Chief

ORIGINAL: March 2000
MONTEREY POLICE DEPARTMENT
PROCEDURE 4130
ICE REQUESTS FOR INFORMATION

I. PURPOSE

The purpose of this procedure is to clearly establish a process for dealing with requests for information from the U.S. Immigration and Customs Enforcement Agency (ICE).

II. HANDLING ICE REQUESTS FOR INFORMATION

A. Police Services Technician

- Receives Information and immediately drafts response Letter (10 day PRA period).
  - Contact City Attorney’s Office and advise them there is an ICE PRA and obtain PRA number and include that number in the response letter
  - Print out that letter
- Print out MPD Media Log that includes the date of the requested information on the ICE request. Scan that document.
- Scan the request letter from ICE
- Send the following documents to the Administration Division Lieutenant or their designee
  - Hard copies of
    - Transmittal form addressed to Administration Division Lt. – titled "ICE Request for Information [NAME REQUESTED], [DATE OF REQUEST]"
    - Response letter to ICE from color printer
    - MPD Media Log
    - Request letter from ICE
  - Email the following to the Administrative Division Lieutenant & the Chiefs Administrative Assistant:
    - Response letter to ICE (word document)
    - MPD Media Log
    - Request Letter from ICE

B. Administration Division Lieutenant

- Review response letter and attachments
- Contact City Attorney’s Office and ask them to review the information
- Coordinate
  - Mailing response letter by US Mail to ICE
  - Scanning of packet and saving to virtual file
  - Sending email of scanned documents to City Attorney that reviewed the information
Ride-Along Attachment 6 Waiver.pdf
I, __________________________________________ DOB: __________________, have read the attached information sheet regarding the Monterey Police Department’s student/citizen ride-along program. With that knowledge and information in mind, I do hereby release and hold harmless the City of Monterey, its officers and employees from any claim for damages for any loss of property, injury or death, which might result from my participation in a study program involving the Monterey Police Department. This release is given freely in consideration of the privilege being extended to me to ride in units of the Monterey Police Department during regular duty hours, and/or participating in other Monterey Police Department activities.

Given at Monterey, California, this ____ day of ________________, 20__. 

Signed: ____________________________________________________________

Address: __________________________________________________________

City/State/Zip: _____________________________________________________

Telephone: _________________________________________________________

In case of emergency, notify: __________________________________________

Emergency contact phone#: __________________________________________

____________________________________________________________________

FOR STATION USE ONLY

Participating Officer: ________________________________________________

Supervisor’s Approval: _______________________________________________
Definitions

- A FOP occurs when a person falls while on property publicly maintained by or owned by the City of Monterey.

Field Procedures

- ALL FOP cases shall be investigated and documented with a Case Report.
- Call for medical aid if not already summoned/on scene.
  - If medical aid responds, note the unit number and identities of the responding personnel.
  - Note whether or not the victim is transported or refuses medical aid at the scene.
- Contact, identify, and interview the person who has fallen.
  - Note and thoroughly describe injuries.
  - Have the victim sign a medical release form if he/she is willing to do so.
  - Note what type of footwear the victim is wearing and the general condition of it.
  - Note any apparent or claimed physical disabilities or impairments (including eyeglasses or lack thereof).
  - Note any signs or symptoms of drug and/or alcohol intoxication.
  - Note the direction on which the victim was travelling.
  - Photograph the victim’s injuries in a detailed manner and from various angles.
- Contact, identify and interview any witnesses.
  - Note whether or not the victim was alone at the time.
  - List all potential witnesses in the report.
- Attempt to identify the exact location where the victim fell.
  - Note any raised obstructions, cracks, or abnormalities.
  - Note any weather conditions that may have contributed to the fall.
  - Note any other unusual conditions or anomalies that may have contributed to the fall.
- Measure and photograph the area where the victim fell and the general scene.
  - Use a ruler to measure and show cracks, abnormalities, or obstructions.
  - Include the ruler in the photographs to depict measurements.
  - Photograph from various angles and different approaches to accurately depict the height or width.
  - Photograph the victim’s footwear.
- Contact Public Works to mark any raised obstructions, cracks, or abnormalities with spray paint and to make any needed repairs.
Report Procedures

- Complete a thorough and accurate report.
- Document in detail the investigative steps listed above and your findings.
- Attach copies of any relative photographs and documents, placing originals in Evidence.
- Forward your report to Risk Management for review.

Report Forms/Attachments to remember

- Medical Release Form.
- Photographs.
- Any medical records or findings related to the fall.

Related MPD Policies

- None
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Exculpatory Evidence

“Law enforcement officers have the obligation to convict the guilty and to make sure they do not convict the innocent. They must be dedicated to making the criminal trial a procedure for the ascertainment of the true facts surrounding the commission of the crime.”

*Justice White, United States v. Wade (1967)*

I. Introduction

Justice White used the phrase “law enforcement officers” in the Wade opinion to include both peace officers and prosecutors. Opinions interpreting the *Brady* decision set out the duties of the “prosecution team” to provide a defendant with exculpatory evidence prior to trial. As the courts use that phrase, the “prosecution team” includes not only prosecutors but also peace officers. Although California law allows peace officer agencies and district attorneys to operate independently of each other, that independence cannot insure public safety unless there is also cooperation. There must be cooperation to insure that criminals are held accountable. But there must also be cooperation to insure that the innocent are not wrongly convicted. California law codifies the right of peace officers to privacy in their personnel records. The *Brady* decision, on the other hand, can sometimes demand the breach of that privacy. By and large, California law permits prosecutors little or no access to peace officer personnel records. To carry out their duties under the *Brady* line of decisions, prosecutors must rely on the integrity of those leading peace officer agencies to carry out their obligations to secure justice by revealing when an officer may have *Brady* information in his or her personnel records. This policy is aimed at fostering cooperation between prosecutors and peace officers to insure that justice is done.
II. Prosecutors’ Duties under the Constitution, Statutes and Ethics Rules

Rule of Professional Conduct 5-220 requires that: “A member shall not suppress any evidence that the member or the member’s client has a legal obligation to reveal or to produce.” In addition, *Brady v. Maryland* (1963) 373 U.S. 83, 83 S.Ct. 1149, 10 L.Ed.2d 215, requires all members of law enforcement belonging to the prosecution team to disclose exculpatory evidence to the defendant.

Prosecutors must comply with both the professional rule and *Brady* case law. Prosecutors must keep themselves well informed about the requirements of each. Prosecutors can achieve that goal by educating themselves about developments in case law and being familiar with *Brady* issues as discussed in such publications as the California District Attorneys Association’s *Professionalism: A Sourcebook of Ethics and Civil Liability Principles for Prosecutors* (Revised 2004) and L. Douglas Pipes and William E. Gagen., *California Criminal Discovery* (4th Ed.).

In addition, prosecutors should educate law enforcement members of the prosecution team about the duty to disclose exculpatory evidence.

Furthermore, prosecutors should be mindful that exculpatory evidence is not limited to witness statements and the impeachment of witnesses. Exculpatory evidence may also include physical evidence such as photographs, recordings, fingerprints, biological evidence, weapons and so on. There can be no comprehensive policy on this topic since physical evidence is unique to each case. But prosecutors should be careful to assess the potential of physical evidence to exculpate an accused and, if such evidence exists, to disclose the evidence to the defense. Finally, prosecutors must be aware that
ethical rules and discovery statutes are not identical to *Brady* requirements and may
demand more extensive disclosure of evidence than required by the U.S. Constitution.¹

The remainder of this policy addresses exculpatory evidence involving law
enforcement witnesses and civilian expert witnesses. “Law enforcement witnesses”
includes all peace officers, whether they are members of the Sheriff’s Office, a police
department, the Highway Patrol or another agency. Under California law, exculpatory
evidence which may be in a peace officer’s personnel files is subject to restrictions on
access and release. “Law enforcement witnesses” also includes non-sworn personnel
employed by law enforcement agencies. A few examples are: criminalists, fingerprint
technicians, evidence custodians, county code enforcement officers, investigators for
state agencies, in short, anyone employed to investigate violations of laws carrying
criminal penalties. The non-sworn members of the law enforcement team also have a
right to privacy in the contents of their personnel files.

This policy implements a mechanism to comply with our constitutional
obligations. The policy encourages high ethical standards among law enforcement, since
past conduct contravening *Brady* principles and documented only in personnel files will
certainly be subject to in camera judicial review whenever a law enforcement member is
a material witness.

**III. Outreach**

Educating our law enforcement colleagues about the duty to disclose exculpatory
evidence is the most important activity we can undertake to comply with the
requirements of *Brady v. Maryland*. The District Attorney’s Office will provide
educational programs and materials for the leadership of the various law enforcement
agencies. At least once a year, a member of the District Attorney’s management will
contact each agency to review Brady obligations. The relevant agencies are not only
those employing peace officers. Also included are agencies we deal with on a recurring
basis whose duty is to enforce statutes or ordinances carrying a criminal penalty. The
Monterey County Building Services Department, the County’s Health Department and
the Agriculture Department’s Weights and Measures Division are examples, to name
only a few. The District Attorney’s Office will also contact the supervisors of crime
laboratories whether they are local or state operated.

For those agencies employing peace officers, the oral or written instruction will
remind the leadership that Brady is not simply a peace officer matter. Even non-sworn
personnel involved in the investigation of crimes may be the subject of Brady disclosure.

Each manager conducting outreach pursuant to this policy will document in
writing the date of the contact, the persons contacted and the subjects discussed within
one week of the contact. The documentation will be delivered to the Chief Assistant
District Attorney who has the responsibility to insure that at least one leadership member
of each agency is contacted annually.

Finally, education for the District Attorney’s staff is also important. The District
Attorney’s Office shall conduct annually at least one continuing legal education class on
Brady compliance.

IV. Peace Officer Witnesses

A. Exculpatory Evidence Derived from Personnel Files of Peace Officers

Peace officer personnel records are confidential and are only subject to discovery
pursuant to the Pitchess procedures set forth in Evidence Code §§1043 – 1045. Further,
prosecutors do not have the right to access police personnel records when a law enforcement officer is a witness in a case and therefore cannot review records for *Brady* evidence without prior judicial approval.\(^3\) Nor may a prosecutor disclose the contents of a peace officer’s personnel file without judicial approval.\(^4\) Therefore:

1. All law enforcement agencies in Monterey County should advise either the District Attorney or the Chief Assistant District Attorney of the names of officers who have information in their personnel files that may require disclosure under *Brady*. *Brady* material in personnel files of law enforcement agency employees is defined to include:
   a) Any finding of misconduct sustained by the agency head or his or her designee that reflects upon truthfulness, bias or moral turpitude,\(^5\)
   b) Any felony conviction;
   c) Any misdemeanor conviction involving moral turpitude;
   d) Any pending criminal charge;
   e) Any current probationary status for a criminal conviction.

2. The notification should be in writing and state only that there may be *Brady* material regarding the employee and the date of the misconduct. No actual materials from the file should be provided to the District Attorney’s Office at that time. The notification should be made as soon as the investigation is complete unless unusual circumstances require an earlier disclosure.

3. The District Attorney’s Office will provide legal opinions to law enforcement agencies about: 1) Whether specific conduct involves a *Brady* problem for a law enforcement employee; and 2) If there is a *Brady* problem, how that may affect the employee’s ability to be an effective witness in a criminal proceeding. These legal opinions will be issued only by attorney managers. If a deputy district attorney is asked
for an opinion by a law enforcement agency, that attorney will refer the question to his or her supervisor.

4. The Chief Assistant District Attorney shall maintain a list of law enforcement employees for whom law enforcement agencies have given notification that possible Brady material may exist, as described above. Deputy district attorneys must review the list to determine whether a law enforcement employee who is subpoenaed by or who will testify on behalf of the prosecution is on the list.

5. Whenever a case involves a material witness for whom notification of possible Brady material has been received, the prosecutor shall either notify the defense or shall apply to the court for an in camera review of the records pursuant to Evidence Code §§1043 and 1045. Initiation of this procedure in a particular case is the responsibility of the prosecutor assigned to the case and shall be undertaken without a defense request.

6. If, following in camera review at the prosecution’s request, the court orders disclosure of documents or information, the prosecutor shall make further disclosure only to the defendant’s attorney of record (or to defendant if not represented by counsel) and to those members of the District Attorney’s Office needed to handle the case. Subject to court orders, the prosecutor may use the matters disclosed to present evidence in the court proceeding for which disclosure was made. The prosecutor will abide by any court protective order made pursuant to subdivisions (d) and (e) of §1045 of the Evidence Code.

7. Because disclosure of the contents of police personnel files requires judicial approval and to ensure that officers’ privacy rights in their personnel files are protected, the District Attorney’s Office shall not maintain a depository of information obtained
from personnel files pursuant to an in camera hearing if the court issues a protective
order. Instead, the procedures described herein shall be used in each future case in which
the officer is a material witness. If the court does not issue a protective order, disclosed
contents of peace officer personnel records shall be maintained in a *Brady* administrative
file described in Sections C. 4, 5 & 6 below.

B. **Security of List**

Only prosecutors will have access to the list of law enforcement employees for
whom law enforcement agencies have given notification that possible *Brady* material
may exist. The list will only be accessible by computer protected by a password. It is a
violation of Monterey County District Attorney policy to copy, print, or download the list
in any fashion. The information may only be used by a prosecutor to ascertain whether a
witness in a criminal case is on the list. It is also a violation of office policy to
disseminate the list or its contents in any fashion inconsistent with the terms stated in this
policy. Only the Chief Assistant District Attorney, in consultation with the Assistant
District Attorneys, may make changes to the list. Violation of these security provisions
will be subject to discipline.

C. **Exculpatory Evidence Derived From All Sources Except Peace Officer Personnel Files**

Upon learning of any apparently credible allegation involving a peace officer’s
misconduct or credibility that may be subject to discovery under *Brady*, deputy district
attorneys and district attorney investigators shall timely report this information to their
immediate supervisors. For example, evidence of untruthfulness may come to light
during a criminal trial, from credible reports of other law enforcement employees based
on sources other than personnel records, or from requests for filing of criminal charges
against law enforcement employees. Such allegations must be substantial and may not be
mere rumor or speculation. Because such an allegation can ruin an officer’s reputation
and professional career, prosecutors and investigators should be careful in the words used
to report an allegation to a supervisor whether orally or in writing. If and when such
information is obtained, the District Attorney’s Office will conduct a thorough analysis
pursuant to the procedures outlined herein to determine if it is required to disclose the
information pursuant to Brady.

1. Following receipt of such a report, the attorney’s or investigator’s supervisor shall
obtain all available information concerning the alleged misconduct, including the
transcript of any testimony provided, and shall forward the materials to the Chief
Assistant District Attorney.

2. The Chief Assistant District Attorney shall review and analyze the materials in
light of applicable law and determine, in consultation with the Assistant District
Attorneys, which of the following conclusions is appropriate: (1) the materials do not
constitute Brady material, in which case the matter shall be closed; or (2) the materials
may constitute Brady material, in which case the matter shall be referred to the agency
which employs the peace officer to conduct an investigation.

3. If, after conducting this investigation, the employing law enforcement agency
concludes that the complaint is frivolous, unfounded, exonerated or not sustained, then
disclosure is not warranted because the information is “preliminary, challenged, or
speculative.”7 Under these circumstances, the District Attorney may conclude that the
information is not discoverable under Brady.
4. If the employing law enforcement agency sustains the complaint, the employing law enforcement agency should comply with the procedure set forth in Section A above. When the officer is a material witness in a case, the District Attorney’s Office shall also comply with the procedure set forth in Section A above. The materials and any documents generated in support of the referral to the employing law enforcement agency shall be maintained in a separate *Brady* administrative file for purposes of complying with the discovery obligation in future cases.

5. The information contained in these administrative files shall only be accessed for case-related purposes. The substance of the information in the administrative files shall not be included in any computerized database. Names of peace officers with administrative files shall be included on the *Brady* list described in Section A. 4. Prosecutors must review the list to determine whether a law enforcement employee who is subpoenaed by or who will testify on behalf of the prosecution is on the list. Prosecutors shall consult with the Chief Assistant District Attorney concerning the discovery of information in an administrative file. Any decision to disclose or not to disclose information contained in an administrative file shall be documented in the administrative file for that officer.

6. Initiation of this procedure in a particular case is the responsibility of the individual prosecutor assigned to the case and shall be undertaken without a defense request.

7. Although referral to the employing law enforcement agency is preferred, the District Attorney’s Office may elect to conduct the investigation of possible peace officer misconduct in unusual circumstances.
V. **Non-sworn Law Enforcement Employees**

Because non-sworn law enforcement employees have a right to privacy in their personnel files, these employees and their employers may assert a privilege not to disclose information from their personnel records. As with peace officers, prosecutors do not have the right to access these personnel records without consent or judicial approval. And because law enforcement agencies routinely conduct internal affairs investigations concerning allegations of misconduct for both sworn and non-sworn employees, the same procedure described above for peace officers will apply with one procedural exception.

1. The prosecutor should disclose to the defense the possible existence of *Brady* evidence in a non-sworn law enforcement personnel file. A motion pursuant to Evidence Code §§ 1043 and 1045 is not available to reach these personnel records. The defense should make a discovery motion for exculpatory evidence. In the event of such a motion, the prosecutor should arrange to have the custodian of the records appear at the hearing with the personnel file to assert any claim of privilege under Evidence Code §1040 and participate in an in camera review pursuant to Evidence Code §915 if the court so orders. It may be necessary for the prosecutor to serve the custodian of the personnel file with a subpoena duces tecum to properly conduct this hearing. Unlike the Pitchess procedures, there is no statute compelling the custodian’s attendance at the motion.

2. The preferred method is to refer any question about the credibility of a law enforcement employee to the employing agency for investigation. The District Attorney’s Office will conduct the investigation only in unusual circumstances.
VI. Expert Witnesses

This group does not include persons directly employed by a law enforcement agency. These witnesses may be self-employed or work for a private corporation, educational institution or a government agency. We cannot assume there will be timely cooperation from these employers let alone that they will understand our duties under *Brady* or how to conduct a proper investigation. The burden will generally be on the District Attorney’s Office to carry out an investigation of potentially disclosable exculpatory evidence.

Prosecutors should be alert to information from any source that an expert employed to assist the People in presenting a case has any shortcomings with respect to integrity or competence. On obtaining such information, a prosecutor should discuss the matter with her or his supervisor and the Chief Assistant District Attorney.

Should an expert witness be found to have a *Brady* problem, the District Attorney’s Office will also determine its impact on past or pending cases.

Expert witnesses with credibility or competence issues will be on the *Brady* list.

VII. In Camera Review of Brady Administrative Files

The District Attorney has the duty to identify and disclose exculpatory evidence. In some instances, the District Attorney’s Office may need to submit potential *Brady* evidence from its administrative files to a judge for in-camera review to determine if disclosure to the defense is required. The option of submitting *Brady* material for in camera review shall be considered in consultation with the Chief Assistant District Attorney.

1. The types of cases which may justify in camera review include:
a) Any materials contained in or obtained from a peace officer’s personnel file, including information of which the District Attorney’s office became aware through a Pitchess motion in a different case that was released without a protective order, or which is outside the five-year limitation period;
b) Material regarding any incident that is the subject of a pending internal investigation by the employing law enforcement agency;
c) Material that is remote in time or has questionable relevance to the present case;
d) Any privileged materials;
e) When it is unclear whether the law requires the information be disclosed.

2. The District Attorney’s office shall, in appropriate cases, request that the court issue a protective order limiting or prohibiting the disclosure of the material in other cases.

3. If information regarding the credibility of a material witness is provided to the defense from a Brady administrative file after an in camera review, the assigned deputy district attorney shall inform the Chief Assistant District Attorney about the material ordered by the judge to be discovered and whether there is a protective order. The Chief Assistant District Attorney shall include this information in the administrative file maintained for that law enforcement employee.

VIII. Warrant Review

Although not a true Brady issue, the validity of a search or arrest warrant depends on the credibility of law enforcement personnel, both sworn and non-sworn, who provide information to support the issuance of the warrant. Prosecutors reviewing declarations in
support of arrest warrants and affidavits in support of search warrants shall consult the
*Brady* list to determine if the declarant, affiant or any other law enforcement employee
providing information is on the list. No prosecutor shall approve any warrant which
depends on the credibility of a law enforcement employee on the *Brady* list without first
consulting with his or her supervisor.

**IX. Admissibility of Evidence**

Discovery and admissibility of evidence are different and the assigned prosecutor
shall decide if admissibility of matters discovered is to be challenged.
FOOTNOTES

1Penal Code section 1054.1(e). For example, Brady does not apply to impeachment evidence not disclosed at the time of plea. (United States v. Ruiz (2002) 536 U.S. 622.) Brady exists to safeguard the right to a fair trial. In contrast, Penal Code section 1054.1(e) is not ostensibly limited only to trial and may apply pre-plea.


5The District Attorney is obligated to provide the defense in criminal cases with exculpatory evidence that is material to either guilt or punishment. (Brady v. Maryland, supra, 373 U.S. 83, 87.) Reviewing courts define “material” as follows: “The evidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different.” (People v. Roberts (1992) 2 Cal.4th 271, 330.) “Exculpatory” means favorable to the accused. This obligation includes “substantial material evidence bearing on the credibility of a key prosecution witness.” (People v. Ballard (1991) 1 Cal.App.4th 752, 758.) Such impeachment evidence must disclose more than “minor inaccuracies.” (People v. Padilla (1995) 11 Cal.4th 891, 929, overruled on other grounds, People v. Hill (1998) 17 Cal.4th 800, 823, fn. 1.)

The government has no Brady obligation to “communicate preliminary, challenged, or speculative information.” (United States v. Agurs (1976) 427 U.S. 97, 109 fn. 16.) However, “the prudent prosecutor will resolve doubtful questions in favor of disclosure.” (Id. at p. 108.) See also Kyles v. Whitley (1995) 514 U.S. 419, 439, which warns prosecutors against “tacking too close to the wind” in withholding evidence.

Impeachment evidence is defined in Evidence Code section 780 and in CALJIC 2.20. Examples of impeachment evidence that may come within Brady are as follows:

1. The character of the witness for honesty or veracity or their opposites. (Evid. Code § 780 (e).)

2. A bias, interest, or other motive. (Evid. Code § 780 (f).)

3. A statement by the witness that is inconsistent with the testimony of the witness. (Evid. Code § 780 (h).)

4. Felony convictions involving moral turpitude. (Evid. Code § 788; People v. Castro (1985) 38 Cal.3d 301, 314.) Discovery of all felony convictions is required regarding any material witness whose credibility is likely to be
critical to the outcome of the trial. (Penal Code § 1054.1 (d); People v. Santos (1994) 30 Cal.App.4th 169, 177.)

5. Facts establishing criminal conduct involving moral turpitude, including misdemeanor convictions. (People v. Wheeler (1992) 4 Cal.4th 284, 295-297.)


7. Pending criminal charges against a prosecution witness. (People v. Coyer (1983) 142 Cal.App.3d 839, 842.)


10. Evidence that a witness has a racial, religious or personal bias against the defendant individually or as a member of a group. (In re Anthony P. (1985) 167 Cal.App.3d 502, 507-510.)

6 United States v. Agurs, supra, 427 U.S. 97, 109 fn. 16.

7 Id., at 106; U.S. v. Dupuy (9th Cir. 1985) 760 F.2d 1492, 1502.)

8 Fagen v. Superior Court, supra.
3460 Prisoner Transport Prior Dir 0204.pdf
I. PURPOSE

The purpose of this policy is to establish guidelines for the transport of persons who are in the custody of the Monterey Police Department.

II. GENERAL PRISONER TRANSPORT GUIDELINES

A. Prisoners shall only be transported in official, marked police vehicles that are outfitted with a secure divider between the front and rear seat. The driver officer shall be in full regulation uniform. Exceptions shall be approved by the on duty Watch Commander.

B. Prisoners shall be handcuffed in a Department approved manner and subjected to a thorough pat-down search for weapons and other contraband whenever they are transported. It is the responsibility of the on-duty jailer to turn off the jail cell phones before advising the prisoners of the impending transport. Anytime a prisoner is transported in a police vehicle outside the jurisdictional boundaries of the City, they shall also wear leg irons. The Watch Commander may authorize deviations to this policy under appropriate circumstances.

C. The seating area(s) of any police vehicle utilized for the transportation of prisoners shall be searched for contraband and other foreign items by the officer in control of that vehicle at the beginning of that officer’s shift or assignment, as well as upon the conclusion of any prisoner transport detail.

D. The maximum number of prisoners that shall be transported in a patrol sedan shall be three. Prisoners shall not be transported in the front seat of the vehicle (no exceptions).

E. Anytime that more than one prisoner is transported in a police vehicle outside the jurisdictional boundaries of the City; a minimum of two officers shall also be present in the vehicle. At least one of the officers must be in full regulation uniform. Secondary officers who are in plain clothes must wear an MPD jacket or windbreaker, which clearly identifies them as a police officer. The secondary officer shall also be armed and have a portable police radio in their immediate possession.

F. Male and female prisoners shall not be transported together in the same police sedan.
G. Anytime that an officer transports a prisoner of the opposite sex outside the jurisdictional boundaries of the City, the officer will verbally provide the beginning and end times and mileage to County Communications via the police radio or mobile phone.

III. REQUIREMENTS AND PROCEDURES RELATED TO THE TRANSPORT OF IN-CUSTODY PRISONERS

A. All arrests that result in a booking shall be subject to the provisions of MPD Directive 02.03 – Booking Approval and Prisoner Release Policy.

B. As required by law, all in-custody prisoners must be taken before a magistrate without unnecessary delay and, in any event, within 48 hours after his or her arrest, excluding Sundays and holidays. All in custody prisoner transports to the County Jail must be scheduled and completed in a timely manner to ensure compliance with this legal obligation.

C. The County Jail will accept prisoners on any day at any time, except each day between 6:00 a.m. to 8:00 a.m.

D. All regular Monday – Friday prisoner transports to the County Jail to meet court appearance requirements shall be coordinated to ensure that prisoners arrive at the jail prior to 11:00 a.m.

E. The Watch Commander shall coordinate all prisoner transports to the County Jail, in order to be as efficient as practical utilizing available staffing.

F. All essential paperwork that is required by the County Jail, District Attorney, Court or other entity must be completed prior to the transport of any prisoner to the County Jail. This paperwork includes the following:

1. In-custody incident/arrest reports *(completed by the reporting officers and PSTs)*

2. Probable Cause Declaration *(completed by the arresting officer and processed by a PST)*

3. Violation of Probation Probable Cause Declaration *(completed by the arresting officer and processed by a PST)*

4. Probation Violation Detainer *(requested by the arresting officer and processed by a PST)*

5. Parole Hold or Detainer *(requested by the arresting officer and...*
6. Original Warrant Abstracts (depending upon the circumstances, requested by the arresting officer or a PST and processed by a PST)

7. Own Recognizance Denial (completed by arresting officer and processed by a PST – requires Watch Commander approval)

8. Increase in Bail Order (requested by arresting officer and processed by a PST – requires Watch Commander approval)

9. Medical Clearance or Release (obtained, as necessary, by arresting or transporting officer and processed by a PST)

10. Domestic Violence Victim Notification (completed and processed by a PST)

11. County Jail Pre-Booking Sheet (completed by a PST)

IV. RESPONSIBILITY FOR THE REGULAR TRANSPORT OF PRISONERS TO THE COUNTY JAIL

A. The Watch Commander shall be responsible for monitoring the number of prisoners in the Monterey City Jail requiring transportation to the County Jail in Salinas and arranging for such transportation to, generally, occur on weekday mornings, when Court will be in session.

   EXCEPTION: When it appears that the number of prisoners to be transported will exceed the capability of day shift personnel on the next court day morning, the Watch Commander shall cause a reasonable number to be transported as soon as possible by available patrol personnel.

B. The sworn positions/personnel, in general, to be utilized for prisoner transports shall normally be the following (in descending order):

1. Monday – Friday (Dayshift)
   a. Primary – School Resource Officer (Middle School)
   b. Alternate/Secondary Designate – Traffic or CAT Officer, except on double-up day when a Patrol Officer should be utilized, if available.
   c. Alternate/Secondary Designate – Patrol Officer
d. Secondary Designate (2\textsuperscript{nd} Officer) – Plainclothes Detective

2. Saturday, Sunday, and Other Times Outside Monday – Friday (Dayshift)
   a. Primary – Patrol, Traffic, and/or CAT Officer
   b. Alternate/Secondary – Overtime as Necessary

TIM SHELBY, Chief of Police

ORIGINAL: August 2002
Revised: October 2008
11-01-12 PRVNT Signed MOU.pdf
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PENINSULA REGIONAL VIOLENCE NARCOTICS TEAM
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (Memorandum) is entered into by and among the following Participating Agencies and their individual law enforcement departments in order to establish the Peninsula Regional Violence and Narcotics Team (PRVNT):

California Highway Patrol
County of Monterey—Office of the District Attorney
City of Carmel
City of Marina
City of Monterey
City of Pacific Grove
City of Sand City
City of Seaside
California State University Monterey Bay

The agencies listed above shall be considered the “Participating Agencies.” A Participating Agency is a state, federal, or local law enforcement agency that has made a commitment of resources and/or personnel.

1. **Purposes of this Memorandum.** A purpose of this Memorandum is to establish and to set forth the responsibilities of the Participating Agencies as they relate to the Peninsula Regional Violence and Narcotics Team (“Task Force”) and its activities throughout the Monterey Peninsula. A further purpose of this Memorandum is to set forth the policies and the governance of the Task Force.

2. **Purpose and Mission of the Task Force.** The Participating Agencies recognize that the illegal production, transportation, distribution, and use of narcotics and other controlled substances are a serious cross-jurisdictional law enforcement problem on the Monterey Peninsula. Working in collaboration with each other, the Participating Agencies will endeavor to enforce the controlled substances laws of the State of California relating to the trafficking of controlled substances and to prevent and to control violent crime.

The primary purpose of the Task Force shall be the enforcement of state controlled substances laws and to prevent and to control violent crime on the Monterey Peninsula. A further purpose of the Task Force will be to diminish the occurrence of violent crime, to diminish the availability and the use of illegal drugs within and across the boundaries of the Participating Agencies, and to apprehend the responsible offenders, thereby increasing public safety. The Participating Agencies have determined that it is necessary to commit additional law enforcement personnel to the detection, investigation, and apprehension of those persons engaged in violent crimes and the illegal production, distribution, and transportation of controlled substances and will target their investigations and suppression activities.
toward the apprehension of all levels of violators. Use of this task force concept is intended to ensure the well-coordinated, regional enforcement of violent and narcotics-related crimes and to increase the flow of related intelligence information among the Participating Agencies.

In carrying out its mission and its purposes, the Task Force will work to identify, investigate, and apprehend those persons suspected of violating state narcotic and controlled substance laws on the Monterey Peninsula; will assist federal, state, and local law enforcement agencies in the enforcement of narcotic and controlled substances laws within the County of Monterey; will share information pertaining to the illegal production, distribution, transportation, and use of narcotics and controlled substances with the Participating Agencies; will provide training to personnel employed by Participating Agencies in the investigation and enforcement of state narcotics and controlled substances laws; will increase the level of supervision and surveillance of persons on probation or parole who are known to be involved in narcotics, gangs, and/or violent crimes; will initiate investigations involving street level drug dealers and gang activity with the overall objective of identifying and apprehending street level drug traffickers; and will conduct investigations into inter-jurisdictional criminal activity occurring on the Monterey Peninsula which arises out of state controlled substances laws.

3. **Term.** The Effective Date of this Memorandum is November 1, 2012, and it shall continue in full force and effect for an indefinite period of time unless terminated by action of the Task Force Council (defined below) or as otherwise specifically set forth herein. Any Participating Agency may withdraw at any time from participation in the Task Force and from this Memorandum by providing written notice to the other Participating Agencies. Such withdrawal shall be effective ninety (90) days after such notification. If any changes occur (e.g., withdrawal of a Participating Agency and/or addition of a new Participating Agency) an addendum to this Memorandum must be signed by all the remaining Participating Agencies within sixty (60) calendar days of the change. Even if the remaining Participating Agencies do not sign an addendum within sixty (60) calendar days, the withdrawing entity’s withdrawal is effective after ninety (90) days.

4. **Management and Supervision.**

   a. **Task Force Council.** A Task Force Council (“Council”) comprised of one director from each of the Participating Agencies shall act as a board of directors and shall provide the policy-making and ultimate decision-making authority for the Task Force. Such authority shall be subject to each Participating Agency’s policies and procedures with respect to law enforcement activities and protocol. A member of the Council may appoint a designee to act on his or her behalf should the member be unavailable to attend a meeting.

   The Council may meet monthly at such places and at such times as established by the Council and as otherwise directed by the Council Chairman for the purpose of reviewing the activities of the Task Force and setting appropriate policy as needed. In addition, the Council may hold special meetings as it deems necessary. The Council shall periodically review and evaluate Task Force operations, goals, objectives, policies, and procedures.
A quorum shall be required to conduct business. If, at any meeting of the Council, less than a quorum is present, then the majority of those present may adjourn the meeting. All decisions of the Council shall be made by a majority vote of the quorum present.

A Council Chairperson shall be selected from among the representatives from the Participating Agencies on a rotating basis who will serve in that capacity for a one (1) year maximum term. One representative from among the Participating Agencies shall be selected as the Chairperson at the initial meeting of the Council, which initial meeting shall be called by the Task Force Commander after this agreement is signed by all parties. No person shall hold the position of Council Chairperson for more than one term unless and until a representative from each Participating Agency has had the opportunity to serve as Chairperson. The Chairperson shall preside over all Council meetings and shall be responsible for preparing the agenda, posting the agenda, and the minutes for each meeting and for taking whatever other action may be necessary for the operation of the Council. The Task Force Commander shall serve as the Custodian of Record for all Task Force documents, including but not limited to all approved minutes and action items resulting from Council meetings. Meetings of the Council shall be subject to and shall be conducted in accordance with the open and public meeting requirements of the Ralph M. Brown Act (California Government Code 54950 et seq.).

b. **Task Force Commander.** A mid-management to management level police officer shall be appointed by the Council as the Task Force Commander. The management and supervision of the Task Force will be the responsibility of the Task Force Commander. The Task Force Commander shall, subject to the provisions of this Memorandum and the policies and procedures of each Participating Agency, retain supervisory control of the personnel assigned to the Task Force. The Task Force Commander will provide monthly and annual reports to the Council of the activities of the Task Force. The Task Force Commander shall maintain such documents. To ensure effective supervision, it will be necessary for the Task Force Commander to work hours in excess of his/her normal shift, i.e., overtime.

5. **Media Relations.** It shall be the policy of the Task Force to develop a positive image with the residents within the jurisdictions that are served by the Task Force. In this regard, every effort shall be made to establish positive relations with the various media sources within the Task Force project area. Media releases regarding Task Force operations shall be coordinated through the Task Force Commander. In the event the Task Force Commander is unable, he/she may coordinate with the Council Chairperson or his/her designee to coordinate and provide media releases, news statements and interviews if necessary. Nothing in this policy is meant to restrict elected officials or agency heads from discussing related matters with the media.

6. **Compensation.** Each Participating Agency shall remain the employer of all personnel assigned by the Participating Agency to the Task Force and each is responsible for compensating its personnel assigned to the Task Force according to its policies, procedures, and applicable contractual obligations.
7. **Training; Performance.** Training of personnel assigned to the Task Force is the responsibility of each Participating Agency according to their individual budgets and at the discretion of each Participating Agency. Personnel assigned to the Task Force shall be subject to the performance standards and the operating policies and procedures of their respective departments, and subject to the terms of this Memorandum and the authority of the Task Force Commander, as set forth hereunder, as well as their respective chain of command.

The Task Force Commander shall annually review the training records of all task force personnel to determine Task Force training needs. The Task Force Commander shall submit training recommendations and its cost to the Council for consideration. Training not approved to be funded by the Task Force budget shall be at the discretion of each Participating Agency.

8. **Annual Report.** The Task Force Commander will provide the Council with an annual report of activity no later than March 15 of each year. This report will summarize the preceding calendar year's operation and shall include a section for statistical data. The report shall contain sufficient information regarding the Task Force's goals, objectives, and accomplishments for assessment by the Council.

9. **Participating Agency Resources.** The Participating Agencies understand that the changing criminal activities, as well as each Participating Agency's fiscal resources, will require collaboration and cooperation among the Participating Agencies as well as flexibility in both the tasks and the structure of the Task Force. Therefore, participation in and responsibility for personnel resources and equipment will be determined by each individual Participating Agency, in conjunction with the policy direction provided by the Council. Subject to the limitations set forth in this section, the Participating Agencies agree, at a minimum, to provide the following personnel resources to the Task Force:

   a. **City of Monterey.** The City of Monterey agrees to assign two (2) Police Officers to work with the Task Force in conducting its operations. The City of Monterey will provide a supervisor to work with the Task Force in conducting its operations.

   b. **City of Seaside.** The City of Seaside agrees to assign two (2) Police Officers and one (1) mid-manager police officer to work with the Task Force in conducting its operations.

   c. **City of Marina.** The City of Marina agrees to assign one (1) Police Officer to work with the Task Force in conducting its operations.

   d. **Department of California Highway Patrol.** The Department of California Highway Patrol agrees to designate one (1) Highway Patrol Officer to work with the Task Force in conducting its operations.

   e. **City of Pacific Grove.** The City of Pacific Grove agrees to provide one (1) Police Officer, to work with the Task Force in conducting its operations.
f. **City of Carmel.** The City of Carmel agrees to provide one (1) Police Officer, on a half-time basis, to work with the Task Force in conducting its operations.

g. **City of Sand City.** The City of Sand City agrees to provide one (1) Police Officer, on a half-time basis, to work with the Task Force in conducting its operations.

h. **California State University Monterey Bay.** The California State University Monterey Bay agrees to provide one (1) Police Officer, on a "seasonal" basis, to work with the Task Force in conducting its operations.

i. **County of Monterey—Office of the District Attorney.** The Monterey County District Attorney’s Office shall provide an appropriate number of Deputy District Attorneys for the necessary legal support to the Task Force. For matters involving gang cases, the District Attorney’s Office will make available 24/7, an experienced Deputy District Attorney or Managing Deputy District Attorney who will provide legal advice during investigations and search warrant support. For drug related cases, the District Attorney’s Office shall provide during business hours Deputy District Attorneys or a Managing Deputy District Attorney who will provide legal advice and search warrant support. After regular business hours for drug related cases, the District Attorney’s Office will provide the regular on-call Deputy District Attorney who will provide legal advice and search warrant support. All Deputy District Attorneys who are assigned to on-call duty are experienced Deputy District Attorneys. Criminal cases developed by the Task Force will be prosecuted in the most expeditious and professional manner possible. Deputy District Attorneys will be housed in the District Attorney’s Office and remain under the control of the District Attorney. The appropriate unit within the District Attorney’s Office will handle all asset forfeiture cases referred by the Task Force. Experienced Deputy District Attorneys will handle the most serious cases generated by the Task Force and as many additional cases as are consistent with quality vertical prosecution.

10.

a. **Participating Agency Equipment or Supplies.** Equipment or supplies owned by individual agencies and supplied for use by the Task Force shall remain the property of the supplying Participating Agency. At the termination of this Memorandum and whereupon no new agreement is reached, all said property shall be returned to the supplying Participating Agency.

All personal protection equipment, firearms, other weapons, and vehicles shall be issued to each Task Force agent by his/her employing agency. Said equipment shall remain the property of the issuing agency.

b. **Task Force Equipment or Supplies.** Any equipment or supplies purchased with Task Force funds (whether through a Task Force budget or through seized assets) shall belong equally to all Participating Agencies. In the event this Memorandum is terminated or otherwise ends, or in the event
the Task Force is disbanded, such equipment or supplies shall be distributed as equally as possible based on the personnel and the financial contributions of each Participating Agency during the term of this Memorandum, as directed by the Council. However, if during the term of this Memorandum a Participating Agency chooses to terminate its participation in the Task Force and the Task Force continues to operate as a multi-agency task force, all equipment and supplies purchased by the Task Force will remain the property of the Task Force.

On or about March 15 of each year during the Term of this Memorandum, the Task Force Commander shall prepare and shall submit to the Council a written inventory which sets forth the following information pertaining to all property which is in the possession of the personnel of the Task Force or which the Task Force is entitled to possess at the end of the fiscal year:

1. Description of the property, including serial number or other identifying characteristics if applicable;
2. The year in which the property was acquired by activity of the Task Force; and
3. The cost of the property at the time it was purchased or, if acquired through asset forfeiture, the estimated value of the property at the time of acquisition.
4. The location of the property.

Once finalized by the Council, the inventory shall be maintained by the Task Force Commander.

c. Use of Equipment or Supplies. Personnel assigned to the Task Force shall be able to utilize all Task Force equipment regardless of legal ownership, markings, or ultimate and final ownership until the Task Force disbands, provided the personnel utilizing the equipment is properly trained and authorized by his or her Participating Agency to use such equipment. The provisions of this Memorandum pertaining to the Participating Agencies’ respective responsibilities shall cover personnel utilizing Task Force equipment. Any equipment which is damaged, broken, misplaced, lost, or stolen, through negligence, wrongful act, or omission of an officer or agent assigned to the Task Force, shall be repaired or replaced by the Participating Agency of the responsible employee at the determination of the Task Force Commander and the Council.

11. Facilities. The Task Force will operate from a facility located within the City of Monterey. The Monterey branch of the Task Force will operate from office space dedicated to operations and located at the Monterey Police Department. The City of Monterey has agreed to be responsible for the initial set up and ongoing maintenance costs. However, since the cost of these services are not yet known, the City of Monterey reserves the right to propose equitable cost sharing among the Participating Agencies to cover installation and ongoing costs. As more specifically set forth in this section, the Participating Agencies shall be responsible for the following items:
a. Use of office space: Costs and expenses of office space shall be the responsibility of the City of Monterey, through its dedication of space for Task Force operations;

b. Installation of telephone lines and monthly, local, CALNET, and long distance charges: The installation of telephone lines at the Task Force Monterey office shall initially be the responsibility of the City of Monterey. Ongoing costs are subject to equitable cost sharing.

c. Telephone equipment: The installation of telephone equipment at the Monterey Task Force Office shall initially be the responsibility of the City of Monterey. Ongoing costs are subject to equitable cost sharing.

d. Utilities: Utility expenses for the space provided by the City of Monterey in the Monterey Police Department shall be the responsibility of the City of Monterey;

e. Alarm equipment, including maintenance and monitoring, for the space provided by the City of Monterey in the Monterey Police Department shall be the responsibility of the City of Monterey.

f. Evidence storage and alarm security: Evidence will be stored at the venue or closest agency to where the evidence was seized. The securing city shall be responsible for alarm security.

g. CLETS machine on single or county line: A CLETS machine shall be appropriately provided to meet the requirements of this Memorandum.

h. Janitorial expenses for the space provided by the City of Monterey in the Monterey Police Department shall be the responsibility of the City of Monterey;

i. Landscape services for the space provided by the City of Monterey at the Monterey Police Department shall be the responsibility of the City of Monterey;

j. Purchase and installation of computers. The Bay Area High Intensity Drug Trafficking Area (HIDTA) will provide computers for the Task Force’s use.

12. Financial Obligation. The Task Force will only be responsible for financial obligations incurred by the Task Force Participating Agencies during the term of this Memorandum.

13. Jurisdiction for Prosecution. Task Force investigations will generally be prosecuted under state law by the Monterey County District Attorney’s Office. The Task Force Council, in consultation with federal authorities, will determine whether to relinquish prosecution of any case to federal jurisdiction.

14. Asset Forfeiture. It shall be the responsibility of the Task Force to investigate asset seizures initiated by the Task Force pursuant to California law.
a. **Official Use of Conveyances and Equipment and Liquidation of Assets.** Forfeiture and disposition proceedings shall comply with California Health and Safety Code sections 11488.5 and 11488.6, as the same may amended or renumbered from time to time.

b. **Distribution of Proceeds.** Forfeiture proceeds shall be maintained in separate accounts subject to appropriate accounting controls and annual financial audits of all deposits and expenditures. The Task Force Council will establish necessary accounts for forfeited funds, including an interest bearing pre-adjudication account, a post-adjudication account, and an operations account and will otherwise determine the specific administration of forfeited funds in accordance with state law.

In the case of joint investigations involving both Task Force and non-Task Force resources from other law enforcement agencies that result in the seizure of assets, the involved agencies, including the Task Force, will negotiate an equitable share of the asset forfeiture proceeds to reflect the proportionate contribution of resources from each agency dedicated to the investigation.

Court forfeiture proceedings and liquidation of assets will establish a balance of proceeds to be distributed and transferred as follows:

First, expenditures for sale and repairs, storage and transportation of property incurred after seizure and publication costs will be awarded to the Task Force. This section does not authorize reimbursement to law enforcement for costs associated with investigations, clean-up or to prosecutors for costs associated with conducting forfeiture proceedings. Second, the residual of the proceeds is then to be distributed according to the following formula pursuant to California Health and Safety Code section 11489, as the same may be amended or renumbered from time to time and currently reads as follows:

1. The sixty-five percent (65%) law enforcement share of the residual will be divided as follows:
   a. Fifteen percent of the funds distributed pursuant to this sub-paragraph shall be deposited in a special fund maintained by the Task Force, or county, city, or city and county of any agency making the seizure or seeking an order for forfeiture. This fund shall be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity, which shall wherever possible involve educators, parents, community-based organizations and local businesses, and uniformed law enforcement officers. Those programs that have been evaluated as successful shall be given priority. These funds shall not be used to supplant any state or local funds that would, in the absence of this clause, otherwise be made available to the programs.

   It is the intent of the Legislature to cause the development and continuation of positive intervention programs for high-risk elementary and secondary school-age students.
Local law enforcement should work in partnership with state and local agencies and the private sector in administering these programs.

The distribution of these funds is to be determined by a panel consisting of the Monterey County Sheriff, a police chief selected by the other chiefs in Monterey County, the Monterey County District Attorney, and the Monterey County Chief Probation Officer.

b. The remainder will be allocated to the Task Force to be used for general operation and investigation costs until the Task Force Council determines otherwise.

c. Once the Task Force Council determines that the investigation account described herein above is sufficiently funded, it is anticipated that future additional revenues will be divided proportionally to each law enforcement agency that is a member of the Task Force calculated by the number of personnel contributed to the Task Force by each member agency without regard to participation in an individual seizure once the following dispensations are made;

1. Ten percent (10%) of the residual to the Monterey County District Attorney’s Office which processed the forfeiture.

2. Twenty-four percent (24%) of the residual to the State of California’s general fund to be used for school safety and security.

3. One percent (1%) of the residual to the California District Attorneys Association to be used to provide a statewide system of education and training for prosecutors and law enforcement officers in ethics and the proper use of asset forfeiture laws.

If the Task Force ceases operation, all existing Task Force assets will be divided equitably as determined by the Task Force Council.

15. Administration, Audit, and Records. Any and all records pertaining to the Task Force expenditures shall be maintained by the Task Force Commander at the Task Force office location in Monterey and shall be readily available for examination and audit by any Participating Agency. Subject to each Participating Agency’s obligation to respond to requests for records or for information, the Task Force Commander shall be the Custodian of Records for purposes of Public Records Act requests and for responding to subpoenas and other requests for records of information made to the Task Force.

All agendas, action items, and meeting minutes that arise from the Council shall be maintained by the Task Force Commander. These files shall be maintained a minimum of ten (10) years (§34090 G.C.) Prior to the destruction of these records, the sitting Council Chairperson shall request destruction through his/her entity’s Attorney following established records retention protocols. The Task Force Commander shall maintain all records associated with Task Force-related training, including annual
training plans, as required by this Agreement. These records shall be maintained as long as the Task Force member is employed by the participating agency plus ten (10) years (§34090 G.C.).

At each regular meeting of the Council, the Task Force Commander shall prepare and shall submit to each Participating Agency a written financial report which describes the financial activity of the Task Force for the prior month. The financial report shall, at a minimum, include the amount of money received during the prior month, the amount of money expended during the prior month, and the balance on account at the end of the prior month.

At the discretion of the Council, the Council may order an independent audit, performed in accordance with generally accepted accounting standards, be conducted by a Certified Public Accountant selected by the Council for such purpose. Copies of the auditor's report shall be filed with the Council and with each Participating Agency within twelve (12) months of the completion of the audit. The cost of the audit, if any, shall be the responsibility of the Task Force and not the responsibility of each or any of the Participating Agencies and shall be charged against unencumbered Task Force funds.

16. Internal Investigations. In its sole discretion and pursuant to its own policy, each Participating Agency is responsible for conducting its own internal affairs investigation pertaining to its own officers.

In cases that involve officers from different Participating Agencies, the investigation may be conducted by an independent law enforcement agency or consultant selected by the Board and with approval from the Participating Agencies whose officers are subjects of the investigation. The cost of any joint investigation will be shared equally by the Participating Agencies involved in the investigation.

17. Officer Involved Shooting—In Custody Death. In the event of an officer involved shooting or in custody death, the Task Force shall follow established Monterey County Chief Law Enforcement Officers Association Protocol, or any version subsequently adopted.

18. Insurance. Seaside, Monterey, Carmel, Marina, Pacific Grove, and California State University Monterey Bay are each political subdivisions of the State of California. The CHP is a department of the State of California. Each Participating Agency self-insures and purchases insurance for legal liability. Each has and maintains, at its sole cost and expense, Worker's Compensation and general liability insurance. Accordingly, except as otherwise specifically set forth herein, each party shall be responsible, to the extent provided by applicable law, for its own acts and/or omissions and for the acts and omissions of its employees and/or representatives; and no party shall be responsible for the acts and/or omissions of the other or its employees and/or representatives.

19. Respective Responsibilities. Each Participating Agency shall be responsible, to the extent provided by applicable law, for the acts and omissions of its personnel assigned to the Task Force and no Participating Agency shall be responsible for the acts or omissions of the personnel of any other Participating Agency. Each Participating Agency therefore agrees to hold harmless, indemnify and defend the other Participating Agencies against any and all claims, demands, suits, judgments, expenses,
and costs of every kind, insofar as it may legally do so, on account of the injury to or death of persons or loss of property arising in any manner out of that agency, its officers, agents, employees, and representatives' participation in the Task Force and the Task Force's activities.

In the event of a civil claim by a third party ("the Underlying Claim") against one or more Participating Agency or its officers based on the Task Force's activities, all Participating Agencies agree to defer any claims against another Participating Agency, its officer(s) or employees until the Underlying Claim is settled or otherwise determined. Thereafter, any claims between or among Participating Agencies shall be resolved in accordance with law.

20. Nondiscrimination. All Participating Agencies will comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed or pursuant to the regulations of the United States Department of Justice (CFR, Part 42, Subparts C and D) issued pursuant to Title VI relating to discrimination on the grounds of race, color, creed, sex, age, or national original and equal employment opportunities.

21. No Third Party Rights. The Participating Agencies do not intend the benefits of this Memorandum to inure to any third person not a signatory hereto. Therefore, this Memorandum shall not be construed or deemed in any way to be for the benefit of any third party or parties, and no third party or parties shall have any right of action hereunder, or for any cause whatsoever. Any service performed or any expenditure made in connection with the furnishing of law enforcement services under the terms and provisions of this Memorandum by the Participating Agencies shall be conclusively deemed to be for the direct protection and mutual benefit of the Participating Agencies.

22. Notices. Any notices under this Memorandum shall be sent to the Participating Agencies by personal delivery, by facsimile, or by first class mail, postage prepaid, to the persons at the addresses set forth below. Notice shall be deemed effective upon delivery or transmission if delivered or sent by facsimile on the third (3rd) day after mailing. The Participating Agencies designate the following persons as recipients of notices:

District Attorney of Monterey County
P.O. Box 1131
Salinas, CA 93902

Chief of Police
Seaside Police Department
City of Seaside
440 Harcourt Avenue
Seaside, California 93955
Chief of Police
Marina Police Department
City of Marina
211 Hillcrest Avenue
Marina, California 93933

Chief of Police
Monterey Police Department
City of Monterey
351 Madison Street
Monterey, California 93940-2698

Chief of Police
Carmel Police Department
City of Carmel
P.O. Box 600
Carmel by the Sea, California 93921

Chief of Police
Pacific Grove Police Department
City of Pacific Grove
580 Pine Avenue
Pacific Grove, California 93950-3335

Chief of Police
Sand City Police Department
Sand City
1 Sylvan Park
Sand City, California 93955

Commander, Monterey Area
Department of California Highway Patrol
Monterey CHP
960 East Blanco Road
Salinas, California 93901

Chief of Police
California State University Monterey Bay Police Department
California State University Monterey Bay
100 Campus Center, Bldg. 82 F
Seaside, CA 93955
23. **Authority.** Each individual executing this Memorandum hereby represents and warrants that
he/she has full legal authority to do so for and on the behalf of the Participating Agency named herein.
Proof of such authority, e.g. a resolution, shall be attached to this Memorandum. The Task Force
Commander shall be responsible for attaching the authorizing documents to this Memorandum and
providing a fully executed copy to each Participating Agency.

24. **Assignment and Delegation of Duties.** No rights under this Memorandum may be assigned and
no duties under this Memorandum may be delegated by any party without the prior written consent of
the parties. Any attempted assignment or delegation without such consent shall be void and of no
effect.

25. **Counterparts.** This Memorandum may be executed in any number of counterparts, each of
which so executed shall be deemed to be an original. The counterparts shall together constitute one and
the same Memorandum.

IN WITNESS WHEREOF, the undersigned, as authorized representatives of the Participating
Agencies, have entered into this Memorandum of Understanding.

STATE OF CALIFORNIA

----------------------------------
William Perlstein, Commander
California Highway Patrol, Monterey Area

COUNTY OF MONTEREY

----------------------------------
Ocean Flippo, District Attorney

CITY OF CARMEL

----------------------------------
City Administrator

CITY OF MARINA

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William Perlstein, Commander  
California Highway Patrol, Monterey Area  

**COUNTY OF MONTEREY**

Dean Flippo, District Attorney  

**CITY OF CARMEL**

City Administrator  

**CITY OF MARINA**

Douglas A. Yount, Interim City Manager  

**CITY OF MONTEREY**

Fred Meurer, City Manager
CITY OF PACIFIC GROVE

Thomas Frutchey, City Manager

December 20, 2012

CITY OF SAND CITY

Steve Matarazzo, City Administrator

4/18/13

CITY OF SEASIDE

John Dunn, City Manager

Mar. 12, 2013
Ride-Along Attachment 2-Media Info.pdf
Dear (Media) Rider:

Welcome to the Monterey Police Department's Ride-Along Program.

We are pleased you are able to participate in the program and hope your experience is enjoyable, as well as educational. Even though most police patrol work is "routine," there is an element of risk which can present itself without warning. Riding in a police car on patrol can put you in the same position as the Police Officer. For this reason, we feel it is necessary to establish some basic safety guidelines.

1. We ask that you conduct yourself as an OBSERVER - that is, you must not become physically or verbally involved in an incident in which the officer is involved.

2. Please feel free to ask questions of the officer, but not while the officer is talking to a citizen. The officer's full concentration will be directed to the citizen's statements, questions and actions; and a distraction could prevent the officer from obtaining the complete chain of events and pose a safety risk.

3. Remember, that while you and the officer are riding on patrol, the officer is not "just riding around." Patrol is the most important part of the officer's job. The officer is expected to be alert, to concentrate on safe driving, and at the same time, look for violations of the law, hazardous conditions, suspicious circumstances, etc., and also listen to the radio. If the officer stops talking to you in the middle of a sentence or does not seem to hear your question, it may be that the officer stopped to listen to a radio transmission or that something on the street caught the officer's attention.

4. You may accompany the officer wherever the officer goes, but only with the officer's permission. If the officer is called to a fight in progress, a domestic dispute, etc., please be alert and careful. The officer will ask you to remain in the patrol car if the officer feels a situation could place you at risk.

5. Wear your safety belt whenever the police car is in motion. At any given time, you might go from a slow routine patrol to a high speed chase with red lights and siren.

6. The equipment inside the police car (shotgun, red light switches, amber light switch, radio controls, etc.) will be explained to you by the officer. PLEASE DO NOT TOUCH ANY OF THIS EQUIPMENT.

7. BRING YOUR LUNCH OR BRING MONEY TO PURCHASE YOUR LUNCH, IF YOU EXPECT TO RIDE MORE THAN TWO (2) OR THREE (3) HOURS.

You will find the Ride-along Program to be an educational experience.
MOU between NGCA CDTF PRVNT 2016.pdf
MEMORANDUM OF UNDERSTANDING
BETWEEN
CALIFORNIA NATIONAL GUARD – COUNTERDRUG TASK FORCE
AND
PENINSULA REGIONAL VIOLENCE AND NARCOTICS TASKFORCE

1. PURPOSE. This Memorandum of Understanding (MOU) is intended to set forth the procedures, responsibilities, and obligations of the California National Guard (NGCA) Counterdrug Task Force (CDTF) and the Peninsula Regional Violence and Narcotics Taskforce whereby the CDTF may provide requested support to the Peninsula Regional Violence and Narcotics Taskforce (PRVNT) drug interdiction and counterdrug (CD) activities.

2. REFERENCE.

   a. 32 U.S.C. §§ 112, 502, as amended
   b. NGR 500-2 / ANGI 10-801, "National Guard Counterdrug Support"
   c. State of California Drug Interdiction and Counterdrug Activities Plan
   d. Cal. Const. art V, §§1, 7, "Executive"
   f. 21 U.S.C. § 871, et seq, "Controlled Substances Act"
   h. 28 U.S.C. §§ 2671-2680, "Federal Tort Claims Act"
   i. 18 U.S.C. § 1385, "Posse Comitatus Act"
   j. CNGBI 2400.00A, "Acquisition and Storage of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense"
   k. Guide to Equitable Sharing for State and Local Law Enforcement Agencies

3. AUTHORITY.

   a. 32 U.S.C. § 112 authorizes the Secretary of Defense (SecDef) to approve and provide funds for the Governor of California to utilize NGCA personnel not in federal service in support of Federal, State, Tribal, and local law enforcement agencies (LEA) and community based organizations (CBO) in accordance with (IAW) NGR 500-2/ANGI 10-801 and the annual State Drug Interdiction and Counterdrug Activities Support Plan (State CD Support Plan). The Governor of California is the Commander-in-Chief of the NGCA, and may order it to execute the laws of the State IAW Cal. Const. art V, §§1, 7 and Cal. Mil. & Vet. Code § 140.

   b. 32 U.S.C. § 112 requires Department of Defense (DoD) consultation with the Office of National Drug Control Policy (ONDCP), prior to State CD Support Plan approval, for coordination of drug-control activities and related funding IAW the President’s efforts to reduce illicit drug-related crime and violence as outlined in the annual National Drug Control Strategy.

   c. PRVNT is responsible for the investigation and suppression of illegal drug activities on the Monterey Peninsula. The Peninsula Regional Violence and Narcotics Team (PRVNT) also targets violent crime associated with gang activity, high risk crimes, and the use of illegal drugs through collaborative involvement of the region’s police departments.
4. PLANNED DEPLOYMENT OF NATIONAL GUARD PERSONNEL AND/OR EQUIPMENT.

All NGCA CDTF operational support to LEAs and CBOs conducting drug interdiction and CD activities will be initiated upon approval of a written request from a PRVNT responsible official and will be performed in IAW the six SecDef, Governor, and Attorney General approved mission categories included in NGR 500-2/ANGI 10-801 and the State CD Support Plan.

5. COMMAND AND CONTROL.

a. The Governor of California has appointed The Adjutant General (TAG), per Military & Veterans Code § 160, to exercise command and control of all NGCA personnel. TAG has designated the Counterdrug Coordinator (CDC) to provide direction and oversight of NGCA personnel conducting drug interdiction and CD activities. TAG and CDC retain the right to recall any and all CDTF personnel or equipment from CD support to PRVNT at any time. CDTF personnel providing approved analytical/linguistic support to LEAs will comply with the PRVNT rules and regulations for information and operation security.

b. CDTF Pilots In Command (PICs) and Aircraft Commanders (A/Cs) are responsible for all decisions affecting military aircraft, aircrew and passenger safety, and have authority to override an order for any personnel to chamber rounds or fire a weapon while on board NGCA aircraft.

6. SCOPE OF APPROVED OPERATIONS.

a. Technical Support. (Linguist; Investigative Case Analyst; Paralegal; Communications; Engineer; Subsurface/Subterrain; Counter Threat Finance Analyst; and Imagery/Map Support)

b. General Support. (Domestic Illegal Drug Suppression Operations; Transportation)

c. Counterdrug Training. (Military-Specific Technical and Tactical Training)

d. Ground Reconnaissance. (Land and Maritime Observation and Sensor Support)

e. Aerial Reconnaissance. (Rotary Wing, Fixed Wing, and Unmanned Aircraft Systems)

f. Civil Operations and Coalition Development. (Anti-Drug Coalition Support)

7. FORCE PROTECTION AND RULES FOR USE OF FORCE.

a. The Governor of California authorized the NGCA CDTF to conduct armed operations in support of LEAs for force protection. TAG has delegated the authority to arm CDTF personnel to the CDC. NGCA CDTF Rules for Use of Force (RUF), certified IAW state law by the Attorney General of California, will be outlined in detail with the PRVNT mission commander during the planning phase of each mission per applicable policy, regulation, and law. CDTF personnel will not, except for in exigent circumstances, directly participate in the arrest or search of U.S. persons, or become involved in the chain of custody for any evidence seized by LEAs. Exigent circumstances are situations in which immediate action is necessary to: protect LEA officers, CDTF personnel, or other civilian bystanders from death or great bodily injury; prevent the destruction of evidence; or to prevent the escape of a suspect in LEA custody.

b. PRVNT shall be responsible for ensuring work site security and compliance with all applicable health, safety, and hazardous material regulations. CDTF personnel will wear the authorized military uniform or civilian attire at, and when traveling to/from their assigned duty location as a risk mitigation measure. Further, CDTF personnel will avoid unnecessary confrontation with civilians and foreign nationals encountered in the area of operations.
c. The CDTF will ensure a favorable National Security Check Personal Integrity investigation is conducted prior to assignment. PRVNT maintains the right to perform an independent background investigation at the PRVNT's expense deemed necessary for any and all support personnel requested.

8. PUBLIC AFFAIRS. PRVNT will be the lead agency for all public affairs (PA) and media relations. PA and media concerns for CDTF support will be coordinated with the CDC and CD PAO for interagency risk analysis prior releasing any information to the media. The CDTF will not disclose information related to PRVNT forces without explicit guidance or direction of the PRVNT Information Officer or local agent in charge, and will ensure that PA efforts do not jeopardize the identity, safety, or security of CDTF or PRVNT personnel and equipment.

9. SPECIAL INSTRUCTIONS, REQUIREMENTS, AND/OR RESTRICTIONS.

a. PRVNT will be solely responsible for determining the legal basis for searches and observational support. This includes determining the legal requirements for the use of thermal imaging or sense-enhancing systems and obtaining necessary search warrants. CDTF personnel will not conduct cargo/mail inspection.

b. All CDTF criminal analyst/linguist activities authorized by applicable law, regulation, and policy will be strictly limited to support of LEA drug interdiction and CD activities. The criminal information under analysis is the property of the supported agency, and will not be retained in NGCA facilities or databases, nor disseminated. CDTF personnel will not participate in real-time conversation monitoring (wire taps), active interview translation, or direct interrogation activities.

c. CDTF personnel will neither be deputized nor cross-designated with investigative authority under Title 21 U.S. Code. CDTF support is designed to enhance the effectiveness of PRVNT, and assigned duties must be consistent with the unique military capabilities of assigned personnel. Such support excludes secretarial, janitorial, or receptionist type duties.

d. The CDTF is required to provide timely reporting of drug interdiction and CD support activities/statistics per applicable regulation, policy, and law. When necessary, and to the extent practicable, PRVNT will provide the CDTF with illicit drug detection, deterrence, disruption, and curtailment statistics (i.e. seizures, arrests, convictions) directly attributed to CDTF support. Law enforcement and case sensitive information will not be included in these reports.

e. The CDTF will investigate workplace/mission accidents or injuries involving CDTF personnel and/or equipment. PRVNT will provide a liaison to the military investigation team, as required. CDTF personnel will not participate in PRVNT's internal investigations without the CDC's express consent.

10. LIABILITY.

a. It is agreed that the officers, agents, employees and/or volunteers of PRVNT shall not be deemed employees of the NGCA CDTF for workers' compensation, other insurance coverage, or for any other purpose. Likewise, the officers, agents, and employees of the NGCA CDTF shall not be deemed employees of PRVNT for any purpose. Each party will be solely responsible for processing any claims arising out of property damage or injuries to, or death of its own employees and agents that occur as a result of the officer, agent or employee's action(s)
or omission(s) while that person is in the performance of his/her duty in accordance with applicable state and federal law.

b. CDTF personnel in a 32 U.S.C. § 502(f) duty status under the command and control of the NGCA and acting within the scope of their approved duties are protected from civil liability in their individual capacity by the Federal Tort Claims Act (FTCA) under 28 U.S.C. §§ 2671-2680; and are protected from state civil and criminal liability under Cal. Mil. & Vet. Code § 392.

11. ASSET FORFEITURE AND EQUITABLE SHARING. The CDTF is considered a law enforcement agency for purposes of asset forfeiture equitable sharing. Assets seized by PRVNT as a result of operations or investigations supported by the CDTF will be shared equitably among the LEAs whose personnel participated directly in the investigation and seizure, when forfeited administratively or judicially pursuant to State and Federal law.

12. RENEGOTIATION AND TERMINATION OF AGREEMENT. Any and all modifications to this MOU must be mutually agreed upon by both parties in writing. This MOU will remain in effect while changes or amendments are being coordinated. This MOU is effective immediately upon signature of both parties, and will remain in effect until terminated by either party in writing. This MOU will be reviewed annually by the CDTF to ensure appropriateness and adequacy for support provided.

CALIFORNIA NATIONAL GUARD COUNTERDRUG TASK FORCE

PENINSULA REGIONAL VIOLENCE AND NARCOTICS TASKFORCE

TODD W. LEWIS
COL. AV/CAARNG
Counterdrug Coordinator

VICKI L. H. MYERS
Chief, Seaside Police Department
PRVNT Board Chair

(Date)

(Date)
1040 After-Action Reports Debriefings Prior 8707.pdf
I. PURPOSE

It is the policy of this Department that supervisors in charge of special events or unusual occurrences will prepare an after-action report and direct that report to the Police Chief within 72 hours of completion of the incident. Refer to Section IV of this directive for guidelines relating to "debriefings."

II. EVENTS/OCCURRENCES REQUIRING REPORTS

A. Special Event: A special event is a planned occurrence involving Monterey Police Department resources outside of the ordinary and routine duties performed by this agency (e.g. Monterey County Fair, Jazz Festival).

B. Unusual Occurrence: An unusual occurrence is an unplanned occurrence involving Monterey Police Department resources outside of the ordinary and routine duties performed by this agency (e.g. major fire, natural disaster).

C. Officer Support and Assistance: Advise all officers involved, including Support personnel, regarding mandatory post-incident psychological assistance or therapy.

III. REPORT FORMAT

A. Content: The After-Action Report should be clear, concise (three pages maximum) and include the following:

1. Event Title
   a. Date
   b. Time

2. Personnel
   a. Number of MPD personnel
   b. Number of hours worked by MPD personnel
   c. Other City departments involved
   d. Other agencies involved

3. Equipment
   a. Type and number of Department items used
b. Damage to equipment

4. Approximate Cost
   a. Personnel costs (overtime, outside employment)
   b. Items/equipment purchased

5. Summary Narrative
   a. Short paragraph or two summarizing the event
   b. Include significant incidents

6. Recommendations
   a. How should MPD address this problem should it happen again?
   b. Training issues raised
   c. Equipment/resource needs
   d. The purpose of the after-action report is to briefly capture the essence of what occurred and have the information available to Command Staff as soon as practical.

IV. DEBRIEFINGS

A. To prevent or repeat mistakes, and to reinforce things that went right, a debriefing may be in order. Our goal is to provide a “no fault” learning environment. The person that has the area of responsibility in question will see to it that a debriefing will occur in those cases that either he/she, the Watch Commander, or other party feels necessary. The scope of the debriefing will obviously depend on the event itself.

1. Informal: For day-to-day incidents, such as a high risk traffic stop, building search, robbery in progress response, etc., supervisors are encouraged to conduct debriefing as a matter of training and review, but any person can ask their supervisor for an informal debriefing to be held at the shift level. A determination shall be made on a case-by-case basis whether the debriefing goes beyond the shift level.

2. Formal: The Lieutenant who has command responsibility at the time the incident begins, shall be charged with the responsibility for critiquing the incident.

B. The incident should be reviewed as soon as possible, but always within 72 hours unless circumstances dictate otherwise (e.g. formal investigation incomplete).

1. Review Panel Members
After-Action Reports & Debriefings

1. Panel
   a. Lieutenant
   b. Sergeant who supervised incident
   c. Sergeant from other platoon
   d. One F.T.O. (F.T.O. Sergeant’s selection)
   e. One Police Officer (Lieutenants selection)

2. Report
   a. Review of the incident should be completed within five (5) working days of the panel’s initial meeting.
   b. A written critique of the incident, which is based upon the panel’s review, shall be completed by the Lieutenant and should include recommendations relating to training issues and on outline for discussion.
   c. The report shall be forwarded to the appropriate division commander who, after review, will forward it to the Police Chief.
   d. Upon review by the Police Chief, if deemed appropriate, debriefings will be scheduled.
   e. The Lieutenant or his designee shall conduct the debriefings.

3. Model Format
   a. Outline the problem/incident
   b. Action taken by various people
      1) Initial responder
      2) Other arriving units
      3) Supervisor
      4) Dispatcher
      5) Outside assist (e.g. fire, other agencies, etc.)
   c. Officer safety issues
   d. Deployment of personnel
   e. Safety of public
   f. Securing the area
   g. Establishing Command Post and communication
   h. Calling in required specialists (e.g. SAFE Team, Hostage Negotiations Team, etc.)
   i. What actions and decisions were correct
   j. What to avoid in the future
   k. What to do in the future that was not done
   l. Training issues/needs

ORIGINAL: October 1987
REVISED: January 1993
December 1997
August 2000

Gary E. Brown, Police Chief
8101 Contract Processing priordir 0503.pdf
I. POLICY

It shall be the policy of this Department to adhere to the City of Monterey’s formal process required to enter into any contract with an outside vendor. This process includes review and approval by the Chief of Police, City Attorney, Risk Management, and the City Manager’s Office before a contract is officially accepted and filed at the City Clerk’s Office. In addition, a copy of each Police initiated contract shall be maintained in the Administrative Office files.

II. PROCEDURE

A. The requestor will complete a “Contract Review and Transmittal Form” to submit to the Administrative Assistant with the original contract
   1. This form is available from the Police Administrative Office or on the City’s intranet under Forms&Templates/City Attorney/Contract Submittal. (See attached.)
   2. Attach the form to the front of the original contract and forward to the Administrative Office for processing

B. The Administrative Assistant will forward for Chief of Police review.

C. Once approved, the contract will be forwarded for City Attorney’s Office and Risk Management review.

D. Once the contract has been approved by the City Attorney’s Office and Risk Management, it will be returned to the requestor.

E. Requestor then must obtain the vendor’s signature and return the original contract to the Administrative Assistant

F. The Administrative Assistant will forward the contract for approval by the City Manager’s Office

G. Once the contract receives final approval by the City Manager’s Office, it will be forwarded to the City Clerk’s Office.

H. The City Clerk will maintain the original contract and return two (2) copies to the Police Department
   1. One copy will be filed in the Administrative Office.
   2. One copy will be returned to the requestor to forward to the contracted vendor.

CARLO CUDIO
Chief of Police

ORIGINAL: December 2005
1041 Vacant Residence Prior 8908.pdf
I. PURPOSE

To set forth a procedure for receiving and processing information on vacant homes within the City of Monterey due to residents absences. The intent of this directive is to have someone to contact in the event of an emergency during a resident’s absence. Monterey’s Volunteers in Policing (MVP’s) will make random residential security checks when available to do so.

II. DEFINITION

For the purpose of this directive, a vacant residence will be any home within the Monterey City limits from which the resident will be absent for a period of time.

III. PROCEDURE

A. Receiving Vacant Residence Information

1. Residents reporting a vacant residence may do so either in person or by telephone to the Monterey Police Department Records Section.

2. Upon receiving Vacant Residence information from a resident, Monterey Police Personnel will inform the resident that:

   a. Monterey Police will not be physically checking their residence.

   b. The information collected is to provide a contact in the event of an emergency only. MVP’s may make occasional residential security checks, when available.

3. After receiving vacant residence information and completing the Monterey Police Department Vacant Residence Form, the person receiving the information will then place the completed Vacant Residence Form on the Field Supervisor’s clipboard for
officer’s information and provide a second copy to the Public Education Officer, who will coordinate MVP’s security checks.

4. To ensure the security of the vacant residence, Monterey Police employees and MVP’s will not announce the vacant residence address or information over the police radio. If pertinent information needs to be passed on, a landline or cellular phone will be used.

B. Removing Vacant Residence Information

1. Each Field Supervisor shall purge the Vacant Residence information form from the briefing clipboard upon date of expiration. The PEO will terminate MVP security checks on expiration.

2. If a Monterey Police employee is notified of a cancellation prior to the date of expiration, it shall be that employee’s responsibility to remove the Vacant Residence information from the briefing clipboard as soon as possible and also to notify the PEO to cancel MVP security checks.

C. Emergency Notification

In the event of an emergency, notification will be made to the listed emergency contact party on the Vacant Residence form by the Field Supervisor or Records personnel, in the event the Field Supervisor is unavailable.

______________________________
Carlo Cudio
Chief of Police

Original: August 1989
Revised: February 2002
VACANT RESIDENCE REPORT

NAME:_____________________________________________________________

ADDRESS:_________________________________________________________

PHONE #:__________________________________________________________

DATES ABSENT: FROM:__________________ TO:______________________

PRIMARY EMERGENCY CONTACT PERSON:____________________________

PHONE #:_____________________

SECONDARY CONTACT PERSON:_____________________________________

PHONE #:_____________________

COMMENTS:
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

*INFORM RESIDENTS THAT THE ABOVE INFORMATION IS MAINLY FOR EMERGENCY NOTIFICATION PURPOSES. MONTEREY’S VOLUNTEERS IN POLICING (MVP’S) WILL MAKE RANDOM VISITS TO VACANT RESIDENCES, HOWEVER, THERE IS NO GUARANTEE THAT EVERY VACANT RESIDENCE CAN BE PHYSICALLY CHECKED.

REPORTING EMPLOYEE:_____________________________________________

C: FIELD SUPERVISOR’S BRIEFING BOARD
PUBLIC EDUCATION OFFICER
Mntl Hlth Protocol 2010.pdf
COUNTY OF MONTEREY
INTER-AGENCY
LAW ENFORCEMENT/MENTAL HEALTH PROTOCOL

AMONG THE FOLLOWING ENTITIES:

DEPARTMENT OF HEALTH
NATIVIDAD MEDICAL CENTER
OFFICE OF THE SHERIFF
COMMUNITY HOSPITAL OF THE MONTEREY PENINSULA
CALIFORNIA STATE UNIVERSITY OF THE MONTEREY BAY

AND

CARMEL POLICE DEPARTMENT
DEL REY OAKS POLICE DEPARTMENT
GONZALES POLICE DEPARTMENT
GREENFIELD POLICE DEPARTMENT
KING CITY POLICE DEPARTMENT
MARINA POLICE DEPARTMENT
MONTEREY POLICE DEPARTMENT
PACIFIC GROVE POLICE DEPARTMENT
SALINAS POLICE DEPARTMENT
SAND CITY POLICE DEPARTMENT
SEASIDE POLICE DEPARTMENT
SOLEDAD POLICE DEPARTMENT

THIS MEMORANDUM OF UNDERSTANDING has been made and entered into
in the State of California, between the County of Monterey Department of Health,
Natividad Medical Center, the Monterey County Office of the Sheriff, Community
Hospital of the Monterey Peninsula, the Monterey County Police Chiefs, and the
California State University of Monterey Bay.

WHEREAS, the parties desire to formalize the Law Enforcement/Mental Health
Protocol for the purpose of facilitating the safe and secure assessment and transport to
an appropriate designated mental health (MH) facility of an individual who is in a crisis
as a result of a mental disorder and who meet the criteria established in Welfare and
Institutions Code (WIC) Section 5150; and
WHEREAS, this Inter-Agency Law Enforcement/Mental Health Protocol is authorized by the Welfare & Institutions Code 5150;

In consideration of the mutual covenants and conditions set forth in this Memorandum of Understanding, the parties agree as follows:

1. **Purpose of Memorandum of Understanding.** The Monterey County Law Enforcement/ Mental Health Protocol, incorporated and attached herein as Exhibit A, shall be the standard of practice for each entity as described;

2. **Term and termination.** This Memorandum of Understanding (MOU) shall become effective when fully executed by the parties and shall remain in effect until terminated with a thirty (30) day written notice from any party or replaced by a revised MOU. This MOU can be amended only by mutual written consent of all parties. If there is a need for revision of this MOU, the initiating agency will request a meeting and provide in writing at the time of the request a draft of changes to be considered.

3. **Notices.** Notices to the parties in connection with this agreement may be given personally or may be delivered by certified mail, return receipt requested, addressed to:

Robert C. Egnew  
Interim Director of Health  
Department of Health  
1270 Natividad Road  
Salinas, CA 93906

Harry Weis  
Chief Executive Officer  
Natividad Medical Center  
1441 Constitution Blvd.  
Salinas, CA 93906

Mike Kanalakis  
Sheriff  
Office of the Sheriff  
1414 Natividad Road  
Salinas, CA 93906

Steven Packer, M.D.  
Chief Executive Officer  
CHOMP  
P.O. BOX HH  
Monterey, CA 93942

Fred Hardee  
Police Chief  
CSU Monterey Bay Police Dept.  
20811Intergarrison Rd. #F  
Seaside, Ca. 93955-8001

George Rawson  
Director of Public Safety  
City of Carmel-by-the-Sea  
P.O. Box CC  
Carmel-by-the-Sea, CA 3921

Ronald Langford  
Police Chief  
City of Del Rey Oaks  
650 Canyon Del Rey Road  
Del Rey Oaks, CA 93940

Paul D. Miller  
Police Chief  
City of Gonzales  
P.O. Box 647  
Gonzales, CA 93926

Joe Grebmeier  
Police Chief  
City of Greenfield  
45 El Camino Real  
Greenfield, CA 93927

Nick Balsing  
Police Chief  
City of King City  
212 South Vanderhurst Ave  
King City, CA 93930

Edmundo Rodriguez  
Police Chief  
City of Marina  
211 Hillcrest Avenue  
Marina, CA 93933

Tim Shelby  
Police Chief  
City of Monterey  
Pacific and Madison  
Monterey, CA 93940

County of Monterey  
Inter-Agency Law Enforcement/Mental Health Protocol
<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>City, Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darius Engles</td>
<td>Police Chief</td>
<td>City of Pacific Grove, 300 Forest Avenue, Pacific Grove, CA 93950</td>
</tr>
<tr>
<td>Louis H. Fetherolf</td>
<td>Police Chief</td>
<td>City of Salinas, 200 Lincoln Avenue, Salinas, CA 93901</td>
</tr>
<tr>
<td>J. Michael Klein</td>
<td>Police Chief</td>
<td>City of Sand City, One Sylvan Park, Sand City, CA 93955</td>
</tr>
<tr>
<td>Anthony Sollecito</td>
<td>Interim Police Chief</td>
<td>City of Seaside, 440 Harcourt Avenue, Seaside, CA 93955</td>
</tr>
<tr>
<td>Eric Sills</td>
<td>Police Chief</td>
<td>City of Soledad, P.O. Box 156, Soledad, CA 93960</td>
</tr>
</tbody>
</table>
IN WITNESS WHEREOF, the parties hereto have executed this Inter-Agency Protocol as of the day and year first hereinabove written.

COUNTY OF MONTEREY

By: Robert C. Egnew, Interim Director of Health
    Department of Health
    Date: 5/16/2010

By: Harry Weis, Chief Executive Officer
    Natividad Medical Center
    Date: 5/5/10

By: Mike Kanalakis, Sheriff
    Office of the Sheriff
    Date: 4/8/10

By: Steven Packer, M.D., Chief Executive Officer
    Community Hospital of the Monterey Peninsula
    Date: 5/10/10

By: Fred Hardee, Police Chief
    California State University of the Monterey Bay
    Date: 4/8/10

By: George Rawson, Director of Public Safety, City of Carmel-by-the-Sea
    Date: 4/9/10

By: Ronald Langford, Police Chief
    City of Del Rey Oaks
    Date: 4/9/10

By: Paul D. Miller, Police Chief
    City of Gonzales
    Date: 4/9/10

County of Monterey
Inter-Agency Law Enforcement/Mental Health Protocol
COUNTY OF MONTEREY (continued)

By: Joe Grebmeier, Police Chief
    City of Greenfield
    Date: 4-8-10

By: Nick Baldieviez, Police Chief
    City of King City
    Date: 4/8/10

By: Edmundo Rodriguez, Police Chief
    City of Marina
    Date: 4/8/10

By: Tim Shelby, Police Chief
    City of Monterey
    Date: 4/8/10

By: Darius Engles, Police Chief
    City of Pacific Grove
    Date: 4/8/10

By: Louis H. Fetherolf, Police Chief
    City of Salinas
    Date: 4-8-10

By: J. Michael Klein, Police Chief
    City of Sand City
    Date: 4-10-10

By: Anthony Sollecito, Interim Police Chief
    City of Seaside
    Date: 4/8/10

By: Eric Sills, Police Chief
    City of Soledad
    Date: 4/8/10
APPROVED AS TO LEGAL FORM:
CHARLES J. McKEE, COUNTY COUNSEL

By: ____________________________
    Stacy L. Saetta, Deputy County Counsel

Date: 5/10/10
EXHIBIT A

MONTEREY COUNTY
LAW ENFORCEMENT/MENTAL HEALTH PROTOCOL

MISSION STATEMENT:

The purpose of this protocol is to facilitate the safe and secure assessment and transport to an appropriate designated mental health (MH) facility of an individual who is in a crisis as a result of a mental disorder and who meet the criteria established in Welfare and Institutions Code (WIC) Section 5150. In Monterey County, there are two (2) designated mental health facilities, Natividad Medical Center (NMC) or Community Hospital of the Monterey Peninsula (CHOMP).

IN VOLUNTARY DETENTION:

1. Authorized Persons:

All California peace officers, California licensed physicians who live in or practice medicine in Monterey County, and those MH staff members designated by the local MH Director are authorized to initiate a WIC 5150 Application for 72-hour Detention for Evaluation and Treatment (WIC 5150).

2. Probable Cause:

To constitute probable cause to detain a person pursuant to WIC 5150, a statement of facts must be known that would lead a person of ordinary care and prudence to believe, or to entertain a strong suspicion, that the person detained is mentally disordered and is a danger to himself/herself or others, or is gravely disabled.

3. Initiating an Application for a WIC 5150:

The agency which initiates the request for a WIC 5150 shall have the responsibility to complete and sign the 5150 Application (attached), including detailed information regarding the factual circumstances and observations constituting probable cause.

SITE CONTROL:

1. Definition of Site Control:

For the purpose of this protocol “site control” shall be defined as containment of the individual and the immediate area as necessary to ensure the safety of the individual and the community at large, under
existing facts and circumstances. The agency staff having site control shall be responsible to call for back-up services from medical, fire or law enforcement staff. Whenever possible, MH and law enforcement on scene will collaborate in the development of the plan for moving the individual to the nearest and most appropriate facility.

2. Assumption of Site Control:

Law enforcement will assume site control upon arrival on scene. If MH staff calls law enforcement, MH staff will retain responsibility for completing the WIC 5150 Application. However, if criminal charges are applicable law enforcement will retain discretion for completing the Disposition and 5150 Application and initiate further investigation.

TRANSPORTATION:

1. Initiating Request for Transportation:

The agency initiating the application for WIC 5150 shall also be responsible for arranging for transportation to the designated MH facility.

2. Transportation Options for Law Enforcement:

In circumstances when a law enforcement agency has initiated an application for a WIC 5150 of an individual, the law enforcement agency may decide, at its sole discretion, whether to transport the individual by ambulance or by law enforcement vehicle.

DESIGNATED FACILITY TRANSPORTATION OPTIONS:

1. Designated MH Facility:

If there is a medical emergency, ambulance staff shall transport individuals to the nearest Emergency Department for stabilization.

For all individuals (adults and minors) without a medical emergency, on a WIC 5150, shall be transported to the nearest designated 5150 mental health facility (NMC or CHOMP) for psychiatric evaluation.

2. Use of Restraints:

If restraints are required to safely transport an individual by ambulance, ambulance staff shall provide the restraints and will, at their sole discretion, decide when they are employed. Assistance to subdue or assist in restraining an individual may be requested of law enforcement personnel by the ambulance staff. In those cases where criminal charges
are pending against the individual, law enforcement will determine the level of restraint with input from the ambulance staff. Physical or mechanical restraints may only be used to ensure the immediate physical safety of the person subject to the WIC 5150 application, ambulance staff, law enforcement personnel, mental health facility staff, or others, and must be discontinued at the earliest possible time. Restraint must not be imposed as a means of coercion, discipline, convenience, or retaliation by ambulance staff or law enforcement personnel.

3. **Transporting WIC 5150 Documents:**

The agency staff which initiates the application for a WIC 5150 shall give a **completed and** signed original copy of the required documentation to the ambulance personnel, at the time of transport, in order to facilitate the individual’s evaluation at the designated MH facility.

**HOSPITAL EMERGENCY DEPARTMENT OR PSYCHIATRIC ADMISSION PROCEDURE:**

1. **Transfer of Physical Custody:**

The receiving hospital shall arrange for and assume physical custody of the detained individual from ambulance staff or law enforcement personnel. Pursuant to WIC Code 5150.2, whenever a peace officer transports a person to a designed facility for assessment the designated facility shall not delay that officer longer than is necessary to complete all required documentation, and to ensure the safe and orderly transfer of custody of the detained person.

2. **Designated MH Facility Evaluation:**

Pursuant to WIC 5152, the receiving hospital staff shall ensure that each person is medically screened and referred to the crisis team. If admitted for 72-hour treatment, an evaluation will be performed as soon as possible, after admission.

3. **Release from MH Facility:**

Upon the individual’s release from the 72-hour detention hold, MH staff will assume responsibility to contact the initiating law enforcement agency of such release and conditions of release if notification is requested as listed in the 5150 Application “Notification to be Provided to Law Enforcement Agency.”
CONTINUING EDUCATION:

1. Training Collaborative:

Law enforcement staff will work with MH staff to provide continuing education to law enforcement officers regarding interacting with individuals with psychiatric disabilities.

2. Clinical Review:

Hospitals participating in these policies shall notify the Monterey County Director of Behavioral Health regarding any problems which may arise in the implementation of this policy. The Director of Behavioral Health will contact all relevant parties to clinically review the situation and develop a corrective action plan.
APPLICATION FOR 72 HOUR DETENTION FOR EVALUATION AND TREATMENT
MH 302 (Rev. 08/04) Front

Confidential Client/Patient Information
See California WIC Section 5326 and HIPAA Privacy Rule 45 C.F.R. § 164.506

Welfare and Institutions Code (WIC), Section 5157, requires that each person when first detained for psychiatric evaluation be given certain specific information orally, and a record be kept of the advisement by the evaluating facility.

☐ Advisement Complete  ☐ Advisement Incomplete

Good Cause for Incomplete Advisement:

☐ Adviseement Completed By

DETAINEMENT ADVISEMENT

My name is _____________________________________________.

I am a (Peace Officer, etc.) with (Name of Agency). You are not under criminal arrest, but I am taking you for examination by mental health professionals at (Name of Facility).

You will be told your rights by the mental health staff. If taken into custody at his or her residence, the person shall also be told the following information in substantially the following form:

You may bring a few personal items with you which I will have to approve. You can make a phone call and/or leave a note to tell your friends and/or family where you have been taken.

To _____________________________________________.

Application is hereby made for the admission of _____________________________________________. California, for 72-hour treatment and evaluation pursuant to Section 5150, (adult) et seq. or Section 5585 et seq. (minor), of the WIC. If a minor, to the best of my knowledge, the legally responsible party appears to be / is: (Circle one) Parent; Legal Guardian; Juvenile Court or WIC 300; Juvenile Court or WIC 601/602; Conservator. If known, provide names, address and telephone number:


The above person’s condition was called to my attention under the following circumstances: (see reverse side for definitions)

The following information has been established: (Please give sufficiently detailed information to support the belief that the person for whom evaluation and treatment is sought is in fact a danger to others, a danger to himself; herself and/or gravely disabled.)

Based up on the above information it appears that there is probable cause to believe that said person is, as a result of mental disorder:


Signature, title and badge number of peace officer, member of attending staff of evaluation facility or person designated by county.

Date  Phone  Time

Name of Law Enforcement Agency or Evaluation Facility/Person

Address of Law Enforcement Agency or Evaluation Facility/Person

☐ Weapon was confiscated and detained person notified of procedure for return of weapon pursuant to Section 8102 WIC.

(officer/unit & phone #) _____________________________________________.

NOTIFICATIONS TO BE PROVIDED TO LAW ENFORCEMENT AGENCY

NOTIFICATION OF PERSON’S RELEASE FROM AN EVALUATION AND TREATMENT FACILITY IS REQUESTED BY THE REFERRING PEACE OFFICER BECAUSE:

☐ Person has been referred under circumstances in which criminal charges might be filed pursuant to Sections 5152.1 and 5152.2 WIC.

Notify (officer/unit & telephone #) _____________________________________________.

☐ Weapon was confiscated pursuant to Section 8102 WIC.

Notify (officer/unit & telephone #) _____________________________________________.

SEE REVERSE SIDE FOR INSTRUCTIONS
APPLICATION FOR 72 HOUR DETENTION
FOR EVALUATION AND TREATMENT
MH 302 (Rev. 08/04) Back

DEFINITIONS

GRAVELY DISABLED

"Gravely Disabled" means a condition in which a person, as a result of a mental disorder, is unable to provide for his or her basic personal needs for food, clothing and shelter. SECTION 5008(h) WIC

"Gravely Disabled Minor" means a minor who, as a result of a mental disorder, is unable to use the elements of life which are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the minor by others. Mental retardation, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder. SECTION 5585.25 WIC

PEACE OFFICER

"Peace Officer" means a duly sworn peace officer as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has completed the basic training course established by the Commission on Peace Officer Standards and Training, or any parole officer specified in Section 830.5 of the Penal Code when acting in relation to cases for which he or she has a legally mandated responsibility. SECTION 5008(i) WIC

INSTRUCTIONS FOR SECTION 5152.1, 5152.2 AND 5585 WIC

Section 5152.1 WIC

The professional person in charge of the facility providing 72-hour evaluation and treatment, or his or her designee, shall notify the county mental health director or the director's designee and the peace officer who makes the written application pursuant to Section 5150 or a person who is designated by the law enforcement agency that employs the peace officer, when the person has been released after 72-hour detention, when the person is not detained, or when the person is released before the full period of allowable 72-hour detention if all of the conditions apply:

(a) The peace officer requests such notification at the time he or she makes the application and the peace officer certifies that at that time in writing that the person has been referred to the facility under circumstances which, based upon an allegation of facts regarding actions witnessed by the officer or another person, would support the filing of a criminal complaint.

(b) The notice is limited to the person's name, address, date of admission for 72-hour evaluation and treatment, and date of release.

If a police officer, law enforcement agency, or designee of the law enforcement agency, possesses any record of information obtained pursuant to the notification requirements of this section, the officer agency, or designee shall destroy that record two years after receipt of notification.

Section 5152.2 WIC

Each law enforcement agency within a county shall arrange with the county mental health director a method for giving prompt notification to peace officer pursuant to Section 5152.1 WIC.

Section 5585 et seq. WIC

Section 300 WIC is a minor who is under the jurisdiction of the Juvenile Court because of abuse (physical or sexual), neglect or exploitation.

Section 601 WIC is a minor who is adjudged a ward of the Juvenile Court because of being out of parental control.

Section 602 WIC is a minor who is adjudged a ward of the Juvenile Court because of crimes committed.

Section 8102 WIC (EXCERPTS FROM)

(a) Whenever a person who has been detained or apprehended for examination of his or her mental condition or who is a person described in Section 8100 or 8103, is found to own, have in his or her possession or under his or her control, any firearm whatsoever, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon.

"Deadly weapon," as used in this section, has the meaning described by Section 8100.

(b) Upon confiscation of any firearm or other deadly weapon from a person who has been detained or apprehended for examination of his or her mental condition, the peace officer or law enforcement agency shall notify the person of the procedure for the return of any firearm or other deadly weapon which has been confiscated.

Where the person is released without judicial commitment, the professional person in charge of the facility, or his or her designee, shall notify the person of the procedure for the return of any firearm or other deadly weapon which may have been confiscated.

Health facility personnel shall notify the confiscating law enforcement agency upon release of the detained person, and shall make a notation to the effect that the facility provided the required notice to the person regarding the procedure to obtain return of any confiscated firearm.
Retiree Conceal Carry Application 07-01-2021.pdf
### SECTION I – REQUESTING RETIRED OFFICER

1. DATE OF APPLICATION

2. APPLICATION FOR
   - ☐ DUPLICATE ID CARD
   - ☐ CCW RENEWAL

3. FULL NAME (LAST, FIRST, MIDDLE)
4. DRIVER LICENSE NUMBER
5. DRIVER LICENSE STATE

6. BIRTH DATE
7. SEX
8. RACE
9. DATE OF RETIREMENT

10. HEIGHT
11. WEIGHT
12. EYE COLOR
13. HAIR COLOR
14. ENDORSEMENT EXPIRATION

15. HOME ADDRESS
16. CITY
17. STATE
18. ZIP

### SECTION II – FIREARMS INSTRUCTOR CERTIFICATION

19. NAME (LAST, FIRST, MIDDLE)
20. TITLE
   - ☐ LAW ENFORCEMENT FIREARMS INST.
   - ☐ LAW ENFORCEMENT RANGEMASTER
   - ☐ NRA CERTIFIED INSTRUCTOR/RANGEMASTER

21. AGENCY / COMPANY: ☐ MONTEREY PD
22. AGENCY / COMPANY ADDRESS
23. AGENCY / COMPANY PHONE NUMBER

24. LOCATION OF QUALIFICATION
25. DATE OF QUALIFICATION
26. PASS/FAIL
   - ☐ PASS
   - ☐ FAIL
27. SIGNATURE OF FIREARMS INSTRUCTOR

#### QUALIFIED FIREARMS

28. MAKE
29. MODEL
30. CALIBER
31. COLOR
32. SERIAL NUMBER

28B. MAKE
29B. MODEL
30B. CALIBER
31B. COLOR
32B. SERIAL NUMBER

28C. MAKE
29C. MODEL
30C. CALIBER
31C. COLOR
32C. SERIAL NUMBER

28D. MAKE
29D. MODEL
30D. CALIBER
31D. COLOR
32D. SERIAL NUMBER

28E. MAKE
29E. MODEL
30E. CALIBER
31E. COLOR
32E. SERIAL NUMBER

28F. MAKE
29F. MODEL
30F. CALIBER
31F. COLOR
32F. SERIAL NUMBER

28G. MAKE
29G. MODEL
30G. CALIBER
31G. COLOR
32G. SERIAL NUMBER

28H. MAKE
29H. MODEL
30H. CALIBER
31H. COLOR
32H. SERIAL NUMBER

### SECTION III – APPROVAL OF CCW ENDORSEMENT

33. APPROVAL
   - ☐ CCW APPROVED
   - ☐ DENIED/REASON:

34. DATE OF ISSUANCE
   - ☐ IN PERSON
   - ☐ BY MAIL
35. DATE OF EXPIRATION
36. Criminal History Check
   Completed by:
   Verified by:

37. TITLE
38. SIGNATURE
39. DATE

The applicant is a qualified retired law enforcement officer, has met qualification requirements, and is certified to carry a concealed firearm pursuant to State law and the Monterey Police Department Policy Manual.
**RETIR ED OFFIC ER CCW ENDORSEMENT QUALIFICATION PROCEDURE**

In order to fulfill the requirements of the qualification process for a “CCW Approved” endorsement, the requesting retiree shall submit to the Chief of police:

1. Complete Section I & II of the Retired Officer CCW Endorsement form; and

2. Have the form signed by a Department Approved Firearms Instructor, attesting to the following:
   a. The firearm to be carried concealed is of good quality, is in good condition, and can be carried safely by the retiree.
   b. The retiree has demonstrated proficiency in the safe handling of the firearm.
   c. The retiree has passed the Qualification Course of Fire.

 applicants qualifying at the Monterey Police Department must bring a supply of ammunition for each firearm used.

**DEPARTMENT APPROVED FIREARMS INSTRUCTOR DEFINED**

As used in this form, a “Department Approved Firearms Instructor” must meet at least one of the following criteria:

1. A person currently employed by a California law enforcement agency as a Firearms Instructor or Rangemaster who has completed a Firearms Instructor Course certified by the State of California Commission on Peace Officer Standards and Training (POST).

2. A person currently employed by a law enforcement agency as a Firearms Instructor or Rangemaster for a law enforcement agency within the state in which the qualified retiree resides, who has completed a Firearms Instructor Course certified by the entity responsibly for the regulation of peace officer training in that state.

3. A person certified by the National Rifle Association (NRA) as a Law Enforcement Instructor, Rangemaster, or Training Counselor who is currently employed in that capacity.

**WAIVER AND RELEASE**

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND ACCURATE

**INITIAL EACH LINE BELOW**

I am a retired full-time sworn officer or qualified retired reserve officer of the Monterey Police Department, and I was authorized to carry a concealed firearm during the course and scope of my employment with the Monterey Police Department.

I recognize the Monterey Police Department is not legally required to provide me with handgun instruction or a firearms qualification course.

I understand I will be required to show proficiency in the safe handling and firing of my weapon under the direct supervision of a Department Approved Firearms Instructor as defined on this form.

I understand in order to maintain a “CCW Approved” endorsement on my retired identification card, I must:

- Qualify annually with the authorized firearm at a course approved by this department at my expense,
- Remain subject to all department rules and policies as well as all federal, state and local laws, and
- Only be authorized to carry a concealed firearm inspected and approved by a Department Approved Firearms Instructor.

I understand that the Monterey Police Department will conduct a background check to ensure I do not have any disqualifying criminal activity and agree to allowing the MPD to conduct the background check for this purpose.

I understand when carrying a concealed firearm, I must be in possession of a “CCW Approved” photographic identification card, issued by the Monterey Police Department that states I am a retired law enforcement officer.

I am not prohibited by any state or federal law from receiving or possessing a firearm, and am qualified to carry a concealed firearm pursuant to Penal Code § 25450 et seq., 18 USC § 926C, and Policy 208 of the Monterey PD Policy Manual.

I will not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance at any time while carrying a firearm, and I am not a habitual user of the same.

I agree to waive, release, indemnify and hold harmless the City of Monterey, or its agents and employees, for any injury suffered by me or caused by my participation in the handgun qualification testing.

I agree to indemnify and hold harmless the City of Monterey and/or its officers and employees, from any and all liability resulting from my carrying and/or use of any firearm, and I acknowledge that I shall not be acting as an employee of the Monterey PD.

<table>
<thead>
<tr>
<th>APPLICANT NAME</th>
<th>APPLICANT SIGNATURE</th>
<th>DATE</th>
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<tbody>
<tr>
<td></td>
<td>INSTRUCTIONS</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td>1</td>
<td><strong>DATE OF APPLICATION</strong> – Enter date the application was completed.</td>
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<td>2</td>
<td><strong>APPLICATION FOR</strong> – Check the appropriate box for the purpose of the application.</td>
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<tr>
<td>3</td>
<td><strong>FULL NAME</strong> – Enter the full name of the retiree.</td>
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<td>4</td>
<td><strong>DRIVER LICENSE NUMBER</strong> – Enter the driver license number of the retiree.</td>
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<td>5</td>
<td><strong>DRIVER LICENSE STATE</strong> – Enter the state of the retiree’s driver license.</td>
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<td>6</td>
<td><strong>BIRTH DATE</strong> – Enter the birthdate of the retiree.</td>
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<td>7</td>
<td><strong>SEX</strong> – Enter the sex of the retiree: <strong>M</strong> – Male, <strong>F</strong> - Female.</td>
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<tr>
<td>8</td>
<td><strong>RACE</strong> – Enter the race of the retiree. <strong>A</strong> – Asian, <strong>B</strong> – Black, <strong>I</strong> – American Indian/Alaskan Native, <strong>N</strong> – Native Hawaiian/Pacific Islander, <strong>U</strong> – Unknown, <strong>W</strong> – White</td>
<td></td>
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<tr>
<td>9</td>
<td><strong>DATE OF RETIREMENT</strong> – Enter the date of retirement for the applying retiree.</td>
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<tr>
<td>10</td>
<td><strong>HEIGHT</strong> – Enter the height of the retiree.</td>
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<tr>
<td>11</td>
<td><strong>WEIGHT</strong> – Enter the weight of the retiree.</td>
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<tr>
<td>12</td>
<td><strong>EYE COLOR</strong> – Enter the eye color the retiree.</td>
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<tr>
<td>13</td>
<td><strong>HAIR COLOR</strong> – Enter the hair color of the retiree.</td>
<td></td>
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<tr>
<td>14</td>
<td><strong>ENDORSEMENT EXPIRATION</strong> – If the retiree currently has a CCW endorsement, enter the expiration date for the current endorsement.</td>
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<tr>
<td>15</td>
<td><strong>HOME ADDRESS</strong> – Enter the home address for the applying retiree.</td>
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<tr>
<td>16</td>
<td><strong>CITY</strong> – Enter the city for the retiree’s home address.</td>
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<tr>
<td>17</td>
<td><strong>STATE</strong> – Enter the state for the retiree’s home address.</td>
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<tr>
<td>18</td>
<td><strong>ZIP</strong> – Enter the zip code for the retiree’s home address.</td>
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<tr>
<td>19</td>
<td><strong>NAME</strong> – Enter the name of the firearms instructor.</td>
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<tr>
<td>20</td>
<td><strong>TITLE</strong> – Enter the title of the firearms instructor.</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td><strong>AGENCY / COMPANY</strong> – Enter the name of the firearms instructor’s agency or company. Check the box if it is the Monterey Police Department.</td>
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</tr>
<tr>
<td>22</td>
<td><strong>AGENCY / COMPANY ADDRESS</strong> – Enter the address of the firearms instructor’s agency or company. If the checkbox was checked in box number 21, then this box can be skipped.</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td><strong>AGENCY / COMPANY PHONE NUMBER</strong> – Enter the firearms instructor’s agency or company telephone number.</td>
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<tr>
<td>24</td>
<td><strong>LOCATION OF QUALIFICATION</strong> – Enter the location of where the qualification occurred.</td>
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<tr>
<td>25</td>
<td><strong>DATE OF QUALIFICATION</strong> – Enter the date of when the qualification occurred.</td>
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<tr>
<td>26</td>
<td><strong>PASS/FAIL</strong> – If the retiree passed the qualification check the pass checkbox. If the retiree failed the qualification check the fail checkbox.</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td><strong>SIGNATURE OF FIREARMS INSTRUCTOR</strong> – The firearms instructor should sign in this box.</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td><strong>MAKE</strong> – The make of the firearm the retiree qualified with.</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td><strong>MODEL</strong> – The model of the firearm the retiree qualified with.</td>
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</tr>
<tr>
<td>30</td>
<td><strong>CALIBER</strong> – The caliber of the firearm the retiree qualified with.</td>
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<tr>
<td>31</td>
<td><strong>COLOR</strong> – The color of the firearm the retiree qualified with.</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td><strong>SERIAL NUMBER</strong> – The serial number of the firearm the retiree qualified with.</td>
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</tbody>
</table>

**SECTION III – Box 33-39 to be completed by Office of the Chief of Police**

<p>| | |</p>
<table>
<thead>
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</thead>
<tbody>
<tr>
<td>33</td>
<td><strong>APPROVAL</strong> – Select the CCW approved checkbox if the application has been approved, or check the denied checkbox if the application has been denied.</td>
</tr>
<tr>
<td>34</td>
<td><strong>DATE OF ISSUANCE</strong> – Enter the date the endorsement has been issued. Check the in person checkbox if the endorsement was issued in person, or check the by mail checkbox if it was sent via mail.</td>
</tr>
<tr>
<td>35</td>
<td><strong>DATE OF EXPIRATION</strong> – Enter the expiration date of the endorsement.</td>
</tr>
<tr>
<td>36</td>
<td><strong>CRIMINAL HISTORY CHECK</strong> – Police Services Technician to complete box after verifying criminal history.</td>
</tr>
<tr>
<td>37</td>
<td><strong>CHIEF OF POLICE DESIGNEE</strong> – Enter the name of the Police Chief or the designee.</td>
</tr>
<tr>
<td>38</td>
<td><strong>TITLE</strong> - Enter the designee’s title.</td>
</tr>
<tr>
<td>39</td>
<td><strong>SIGNATURE</strong> – The Police Chief or designee’s signature.</td>
</tr>
<tr>
<td>40</td>
<td><strong>DATE</strong> – Date of approval.</td>
</tr>
</tbody>
</table>
MCCLEOA Local Assistance Protocol 1997.pdf
LOCAL ASSISTANCE PROTOCOL

MONTEREY COUNTY LAW ENFORCEMENT AGENCIES

PURPOSE

This protocol statement provides the understandings by which all law enforcement agencies within Monterey County may request local assistance for incidents which may be beyond the resources and/or expertise of a single agency. This protocol is not intended to replace or be confused with "MUTUAL AID" as defined under terms of the State’s Master Mutual Aid Agreement. This protocol is to be used under conditions short of implementing “mutual aid” under circumstances described in the protocol.

DEFINITIONS

1. **Back-up**

   A request for immediate assistance from one agency to another for an unplanned event that requires one or more officers from one agency to assist another agency in dealing with an incident that requires more resources than the requesting agency has available at the time. “Back-up” assistance is normally of short duration until the situation has stabilized. Back-up assistance is the most immediate request for assistance and should be handled immediately.

2. **Investigative Assistance**

   The providing of resources from one agency to another for special investigative purposes. Such events are normally planned and involve staff or other resources from one agency to another. This assistance may be longer term and involve uniformed or non-uniformed staff. Investigative assistance may be requested when the requesting agency does not have the expertise or requires additional resources due to the magnitude of the investigation. Investigative assistance will normally be approved.

3. **Special Assistance**

   A planned event that, due to its magnitude, is beyond the staffing capability of the agency responsible for the event and is of such a nature that the event could disrupt the normal activities of a community and could result in a confrontation. Demonstrations, protests, labor disputes and the like are examples of special assistance.

4. **Local Planned Events**

   An event that has been planned or approved by a local community that is of such scale that the local agency resources are insufficient to handle the event without help. These events are
different in character that “special assistance” in that the local agency has approved the event, and there is a little likelihood of confrontation. Parades, sports events, celebrations, or other similar events where traffic and crowd control are needed are examples of local planned events. Agencies requesting assistance in this category may be charged a fee for the assistance rendered.

5. **Specially Trained Units**

A person or persons having special expertise and/or equipment to handle very specialized law enforcement activities. Examples are: Sheriff’s “S.A.F.E.” Team, S.W.A.T., Canine Units, Search and Rescue Units, Hostage Negotiators and similar.

**UNDERSTANDINGS**

Any law enforcement agency may contact one or more law enforcement agencies in this county and request local assistance. Where practical, the request should come from a ranking officer and be directed to a ranking officer. Back-up assistance calls will be handled by communications staff on a direct basis, unit to unit. All agencies agree to provide assistance to the extent they are able consistent with the requirements of their own community safety needs.

**USE OF SPECIALLY TRAINED UNITS**

Each agency participating with specially trained unit agrees to provide the requested assistance and accept the direction of the requesting agency. However, the command officer, or a designated supervisor who accompanies the specially trained unit, will make the final determination as to whether or not the specially trained unit is capable of, or should, carry out the directions of the requesting agency’s operations commander. This determination will be based on tactical, political, legal and safety considerations within his or her expertise.

**GENERAL PROVISIONS**

Assistance requirements beyond the scope of this protocol, or very large-scale events that will obviously involve multiple agencies, are more appropriately handled through the County Mutual Aid Plan as coordinated by the Monterey County Sheriff.

- Each agency responding to a request for local assistance shall have their personnel report to a designated staging area.

- A command officer or designated supervisor shall accompany specialized units in addition to any supervisory personnel assigned to the specialized unit. Supervisory presence is to ensure the proper utilization of agency personnel and to assist the operation commander if requested.
The agency in whose jurisdiction that incident is occurring will be in charge of the operation unless the authority is relinquished to the responding agency. (8618 GC)

It will be the operation commander’s responsibility to determine the tasks to be performed by assisting personnel. It is assumed that the requesting agency will assign primary responsibilities to their own specialized personnel when available.

When assignments are made to outside agencies personnel, the operation commander will make them in cooperation with that agency’s command officer or supervisory officer.

During extended operations and planned events it shall be the responsibility of the requesting agency to provide logistical support to include food, drink, and lodging to participating jurisdictions.

Due to the specialized nature of S.W.A.T., Hostage Negotiation, Search and Rescue, and Canine Units, participating agencies shall take the necessary steps to ensure that their command and supervisory personnel are familiar with the capabilities and limitations of these specially trained units.

In any request for assistance, the originating agency maintains overall responsibility for the original incident. Agencies responding to requests for special assistance will be responsible for the tactical command and utilization of their units.

The Sheriff will work collaboratively with other agencies in situations in order to prevent and suppress any affray, breaches of the peace, riots, and insurrections which come to his knowledge. (26002 GS)

Law Enforcement Agencies within Monterey County agree to use the standardized Emergency Management Systems (SEMS) for all disasters and critical incidents. (8607 GC)

LIABILITIES

When a request for assistance is received the assisting supervisor shall advise the requesting agency as promptly as possible whether assistance will be provided and when. No party receiving a request for assistance shall be required to provide assistance. Notwithstanding any other provision of this agreement, no party shall be liable to anyone, including any party under this agreement, for any failure to respond, or for any failure or inability to provide assistance or to comply in whole or in any part with any request.

Under no circumstances shall any employee of any agency under this agreement be considered an employee of any other agency under this agreement.
No agency should be in a position of depleting unreasonably its own resources, facilities, or services providing such mutual assistance.

The requesting agency shall hold harmless, indemnify and defend the assisting party, its officers, agents, and employees against all liability, claims, losses, demands or actions for injury to or death of a person or persons or damages to property arising out of or alleged to arise out of or in consequence of this agreement, provided such liability, claims, losses, demands or actions are claimed to be due to the acts or omissions of the requesting party, its offices, agents or employees, or employees of the assisting party when the act or omission of such assisting party occurs or is alleged to occur within the scope of employment under the direction and control of the requesting agency.

Only the requesting agency and Departments/officers/agents assisting the requesting agency during the course of an event shall suffer the perils and consequences of any actions that might arise out of that event. Other parties to this agreement that do not participate shall not be held accountable.

APPROVED BY MAJORITY VOTE OF THE MONTEREY COUNTY CHIEF LAW ENFORCEMENT OFFICER’S ASSOCIATION this

__________________________
President
M.C.C.L.E.O.A.
4060 Attachment 3-HAZ-MAT GROUP
SUPERVISOR CHECKLIST V3.pdf
Hazardous Materials Group Supervisor Protocol/Checklist
(Unknown Substance Investigation)

Incident Name: ____________________________ Date: ______________________

Agency: ______________________  Agency Case or Incident Number: ____________

Responsibility: Organize and direct the operations of the Hazardous Materials Group.
Elements of the group include the Technical Reference, Entry, Site Access Control, and Decontamination.

Duty Equipment: Clipboard and pen, two-way radio, and HazMat Group Supervisor vest.

Checklist:

☐ 1. Obtain a situation briefing from the Incident Commander.
☐ 2. Confirm that an initial incident perimeter has been established.
☐ 3. Consult with the IC and Safety Officer to develop an entry plan and assist in the development of the Incident Action Plan (as required).
☐ 4. Confirm operational radio frequencies:
   - Command: ______________________
   - Tactical: ______________________
   - Entry: ______________________
☐ 5. If there is no indication of an IMMEDIATE DANGER TO LIFE AND/OR HEALTH, assign a minimum of one Hazardous Materials Technician/Specialist to enter and obtain samples.
☐ 6. Assign at least one Hazardous Materials Technician/Specialist to conduct expedient decontamination of the entry member.
☐ 7. Ensure that all responders can communicate via assigned tactical frequency.
☐ 8. Confirm that required personnel have completed baseline medical evaluations.
☐ 9. Ensure that an expedient decontamination station (see attached diagram) is in place and ready for use.
☐ 10. Conduct entry in a minimum of Level B chemical protective clothing.
11. Obtain a digital photograph of surroundings, substance, or article prior to bagging.

12. Obtain multiple samples (“if possible”), per the attached Monterey County Health Department Laboratory sampling guidelines.

13. Ensure that each sample container has the minimum information including case or incident number, item number, and the initials of the person who collected the sample.

14. Establish and maintain a chain of custody for all samples obtained.

15. Conduct field hazard categorization of substance to rule out chemical hazards (if more than one sample is available). Screen all samples for radiation hazard.

16. Participate in a post-entry briefing and verify outcomes of the initial entry.

17. Conduct subsequent entries as needed (assess the need for personnel rehabilitation and additional resources).

18. Secure operations when directed by IC.

19. Return this completed checklist and all forms, along with your completed ICS-214 Unit Log to the IC.

Additional information: ____________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

HM Group Supervisor or person completing this form: ____________________________________________

: ____________________________________________________________________________

PRINTED NAME ______________________________________________________________________

SIGNATURE ________________________________________________________________________

Monterey County Hazardous Materials Response Guidelines (Version 3)
HAZARDOUS MATERIALS GROUP ASSIGNMENTS

(Unknown Substance Investigations)

Incident Name and Date ______________________________________

HAZMAT GROUP SUPERVISOR

HAZMAT SAFETY (ASO)

________________________

SITE ACCESS CONTROL

________________________

TECHNICAL SPECIALIST

________________________

ENTRY PERSON

________________________

BACK-UP/DECONTAMINATION PERSON

ENTRY/SAMPLE PLAN

________________________________________________________________

________________________________________________________________

________________________________________________________________

EFFECTIVE DATE: 7 JANUARY 2002
DECONTAMINATION CORRIDOR/STATION SET-UP

Unknown Substance

STEP 1 – Obtain and seal samples per sampling guidelines.

STEP 2 – Departing responder and sample bag completes single pool decontamination process.

Note: Minimum decontamination is achieved via the application of a solution consisting of a 2% hypochlorite solution (2 parts of household bleach to 5 parts water). This solution must remain in contact with protective fabric for at least 15-minutes, prior to a final rinse with water.

STEP 3 – Decontaminated substance is transferred to sample transfer point.
UNKNOWN SUBSTANCE CUSTODY RECEIPT

Date: ________________  Responsible Jurisdiction: ______________________________

Where Sample Stored or Location Where Transported:
____________________________________________________________________________

<table>
<thead>
<tr>
<th>Item Number(s)</th>
<th>Sample Description</th>
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</table>

Certification of person obtaining sample:

Date ________________  Name ________________________________________________

EFFECTIVE DATE:  7 JANUARY 2002
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Relinquished By (Signature)</th>
<th>Received By (Signature)</th>
<th>Purpose of Change or Custody</th>
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Monterey Rape Crisis Operational Agreement 08-18-16.PDF
OPERATIONAL AGREEMENT

This Operational Agreement stands as evidence that the Monterey County Rape Crisis Center (MCRCC) and Monterey Police Department intend to work together toward the mutual goal of providing maximum available assistance for crime victims residing in Monterey County. Both agencies believe that implementation of the Sexual Assault Victim Services Program, as described herein will further this goal. To this end, each agency agrees to participate in the program, if selected for funding, by coordinating/providing the following services:

1. The Monterey County Rape Crisis Center provides services that include:
   a. A 24-hour crisis line staffed by certified sexual assault victim counselors/advocates
   b. Crisis intervention, in-person counseling and follow-up services
   c. Accompaniment/advocacy services to law enforcement agencies, medical examinations and to court
   d. Information and referral services
   e. Community education programs and in-service trainings.

2. Monterey Police Department provides services that include:
   a. Crime prevention and community outreach
   b. Assisting victims in reporting crimes
   c. Provide victims with contact information for the Victim/Witness Assistance Program
   d. Investigating crimes, and apprehending and arresting suspects

3. The Monterey County Rape Crisis Center will closely coordinate services with Monterey Police Department through:
   a. Trained MCRCC advocates being available within 60 minutes to assist victims and significant others at the Monterey Police Department, hospital, or other safe location
   b. In-service trainings between both agencies regarding services and protocols.
   c. Annual meetings between representatives of the Monterey Police Department and the Executive Director or other representative of the Monterey County Rape Crisis Center to discuss, strategies, time tables and implementation of mandated services.

The Monterey Police Department agrees to provide to all sexual assault victims and significant others information regarding the availability of MCRCC advocates from the Monterey County Rape Crisis Center, and information regarding the services provided by the Monterey County Rape Crisis Center.

We the undersigned, as authorized representatives of the Monterey County Rape Crisis Center and the Monterey Police Department do hereby approve this document. This agreement is in effect from September 1, 2016 through September 30, 2019.

Clare Mounteer, Executive Director
MONTEREY COUNTY RAPE CRISIS CENTER

Michael McCarthy, City Manager
CITY OF MONTEREY

8/31/16
Date

8/16
Date

Agreement #: Ag-5640 - Page 1 of 1
10300 Exchange Day Request Prior 9201.pdf
MONTEREY POLICE DEPARTMENT

EXCHANGE DAY REQUEST

OFFICER: ___________________ FOR OFFICER: ___________________
ON: ______________________ HOURS: ___________________

OFFICER: ___________________ FOR OFFICER: ___________________
ON: ______________________ HOURS: ___________________

Exchange days shall be completed within the 28 day work cycle
to avoid conflict with F.L.S.A.

We agree to the voluntary exchange of days for our personal convenience and time off.

REQUESTED BY: ________________________ DATE: ______________

AGREED BY: ________________________ DATE: ______________

APPROVED:

SERGEANT: ________________________ DATE: ______________

SERGEANT: ________________________ DATE: ______________

Copy: Employees
      Sergeants
      Lieutenants
Ride-Along Attachment 5 Waiver Parent.pdf
MONTEREY POLICE DEPARTMENT

I, ________________________________, being the parent or guardian
of ________________________________, have read the attached information
sheet regarding the Monterey Police Department’s student ride-along program. With that
knowledge and information in mind, I do hereby release and hold harmless the City of
Monterey, its officers and employees from any claim for damages for any loss of
property, injury or death, which might result from his/her participation in a study program
involving the Monterey Police Department. This release is given freely in consideration of
the privilege being extended to him/her to ride in units of the Monterey Police Department
during regular duty hours, and/or participating in other Monterey Police Department
activities.

Given at Monterey, California, this _____ day of ______________, 20__.

Signed: ___________________________  Signed: ___________________________
(Parent/Guardian)  (Participant)

Address: ____________________________________________________________
City/State/Zip: ______________________________________________________
Telephone: __________________________________________________________

In case of emergency, notify: _________________________________________
Emergency contact phone#: ____________________________________________

______________________________________________________________

FOR STATION USE ONLY

Participating Officer: ________________________________________________
Supervisor’s Approval: ______________________________________________

Monterey Police Department’s Mission
Responsive to All  Second to None  Every Time
Attachment

Monterey PD Policy Manual
Monterey PD Policy Manual

PD.Eval.Checklist.pdf
## MONTEREY POLICE DEPARTMENT
### PERFORMANCE EVALUATION
#### Rating Checklist

<table>
<thead>
<tr>
<th>Category</th>
<th>NOT APPLICABLE</th>
<th>EXCEEDS STANDARDS</th>
<th>MEETS STANDARDS</th>
<th>NEEDS IMPROVEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Problem Solving</strong></td>
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<tr>
<td>Degree to which employee identifies problems and takes appropriate action to find long-term solutions.</td>
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<tr>
<td>2. <strong>Community Interaction/Partnership</strong></td>
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<tr>
<td>Degree to which employee interacts with the community, and actively participates in community policing and problem solving.</td>
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<td>3. <strong>Performance of Duties</strong></td>
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<td>Degree to which employee understands good work habits, departmental goals and objectives, and works to achieve them.</td>
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<tr>
<td>4. <strong>Judgment and Decision Making</strong></td>
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<tr>
<td>Degree to which employee makes good decisions and performs under pressure or in stressful conditions.</td>
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<td>5. <strong>Initiative</strong></td>
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<tr>
<td>Degree to which employee displays the motivation necessary to perform duties without urging from supervisors or fellow employees.</td>
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<tr>
<td>6. <strong>Oral Communication Skills</strong></td>
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<tr>
<td>Degree to which employee effectively and appropriately communicates verbally with community members, fellow employees, and others.</td>
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<tr>
<td>7. <strong>Written Communication Skills</strong></td>
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<tr>
<td>Degree to which employee communicates effectively through written documents, reports, departmental memoranda, project reports, emails, etc.</td>
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<tr>
<td>8. <strong>Teamwork</strong></td>
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<td>Degree to which employee works well with others, assists coworkers in getting work done, and promotes good working relationships.</td>
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<td>9. <strong>Investigative Skills</strong></td>
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<td>Degree to which employee manages and conducts thorough, complete and timely investigations.</td>
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<td>10. <strong>Workplace Safety</strong></td>
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<td>Degree to which employee maintains professional safety standards and adheres to workplace safety procedures.</td>
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<td>11. <strong>Appearance</strong></td>
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<td>Degree to which employee maintains physical fitness, uniform/attire, and grooming standards in accordance with department policy.</td>
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<td>12. <strong>Our Mission and Vision</strong></td>
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<tr>
<td>Degree to which employee demonstrates an understanding of and commitment to achieving the Department's Mission and Vision.</td>
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<td>13. <strong>Our Value Drivers</strong></td>
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<td>Degree to which the employee understands, can explain, and incorporates our six Value Drivers into their daily work activities.</td>
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### Supplemental For Managers, Supervisors, Field Training Officers & Senior Police Service Technicians

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<thead>
<tr>
<th>Category</th>
<th>NOT APPLICABLE</th>
<th>EXCEEDS STANDARDS</th>
<th>MEETS STANDARDS</th>
<th>NEEDS IMPROVEMENT</th>
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<tr>
<td>14. <strong>Leadership Skills</strong></td>
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<tr>
<td>Degree to which manager/supervisor displays effective leadership skills and enhances working relationships to achieve desired results.</td>
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<td>15. <strong>Employee Development</strong></td>
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<td>Degree to which supervisor/manager delivers and facilitates training that improves performance and aids in the professional development of employees.</td>
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<td>16. <strong>Planning and Organizational Skills</strong></td>
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<td>Degree to which supervisor/manager plans, coordinates, facilitates, and/or delegates to ensure successful completion of assigned tasks.</td>
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<td>17. <strong>Professional Work Environment</strong></td>
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<td>Degree to which supervisor/manager ensures adherence to policies, procedures, and regulations and takes action to correct unacceptable behavior.</td>
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3230 Subpoena Processing and Court Appearances Prior 0501.pdf
I. PURPOSE

The purpose of this directive is to establish a procedure for the acceptance of subpoenas and to outline the responsibilities of Police Department employees subpoenaed to appear in court proceedings.

II. POLICY

A. It is the policy of the Monterey Police Department that employees who receive subpoenas shall appear in court as required, unless properly excused by the Court, the prosecutor, or the agency issuing the subpoena. Compliance is mandatory on all cases for which an employee has been properly subpoenaed or properly notified. This policy applies to criminal and civil subpoenas as well as notices to appear at administrative hearings.

B. The employee shall remain in court until dismissed or released by the Court, the prosecutor, or the administrator having authority over the hearing. Monterey Police employees are not authorized to dismiss or otherwise relieve other subpoenaed witnesses of their responsibility to appear or remain in court.

C. A Detective or Investigating Officer is permitted to deliver a message from the concerned prosecutor authorizing the dismissal of other Department employees when it is determined that they are no longer needed to appear. If the information is known before the actual subpoena date, the Detective or Investigating Officer should notify the Witness Coordinator and subpoenaed employee via electronic mail and/or by telephone.

III. DEFINITIONS

A. Subpoenas – For the purpose of this Directive, the term “subpoena” applies to criminal, traffic, and civil court subpoenas, as well as other notices to appear at administrative hearings. The term “court” also applies to hearings.

B. Valid Subpoena – Any subpoena received at this Department for an employee of this Department must be properly served and have originated from a recognized legal authority. Legal authorities include any district attorney or their designate, any State of California government agency
with powers of subpoena, any superior court authority including traffic court, a public defender’s office, or appropriately licensed private attorney.

IV. ACCEPTANCE OF SUBPOENAS

A. All subpoenas and other notices to appear, except civil subpoenas, received by the Department shall be forwarded to the Department Witness Coordinator in Operations.

B. The Witness Coordinator is responsible for completing the following tasks when a subpoena or other notice to appear is presented for service:

1. Reviewing the document and making a determination whether the subpoena is valid.

2. Determining whether the employee is available to appear on the date and time ordered.

3. Placing a date stamp on the subpoena on the lower, right-hand corner of the document if the employee is available. The subpoena is then considered received.

4. The Witness Coordinator shall not accept civil subpoenas. Should a civil subpoena be received by mail, it should be forwarded to the Investigations Sergeant.

C. The Investigations Sergeant is responsible for completing the following tasks when a civil subpoena is presented for service:

1. Reviewing the subpoena and making a determination whether it is valid.

2. Accepting a deposit of $150.00 in the form of a check from the person delivering the subpoena, as permitted by California Government Code Section 68097.2.

3. Forwarding the subpoena, the $150 deposit, and a copy of the related case report to the City Attorney’s Office for review and approval.

4. If approved by the City Attorney, forwarding the subpoena, the $150 deposit, and the copy of the report to the Witness Coordinator, who will then serve the subpoena and the copy of the case report on the employee and forward the deposit to the Revenue Department.
5. If the City Attorney does not approve the subpoena for service, the Investigations Sergeant shall return the subpoena and the deposit to the submitting party.

D. The Training Sergeant is responsible for processing the civil subpoena in the event the Investigations Sergeant is not available.

E. Civil subpoenas will not be considered accepted until the City Attorney approves the subpoena for service.

V. SUBPOENAED EMPLOYEE UNAVAILABLE

A. The Department will refuse to accept a subpoena only when:

1. The subpoenaed employee will be off duty on the following:

a. A previously approved Phase 1 Primary Vacation as defined in Section III. of MPD Directive 92.01- VACATION AND OTHER TIME OFF.

b. A previously approved Phase 2 Secondary Vacation as defined in Section III. of MPD Directive 92.01- VACATION AND OTHER TIME OFF.

c. A bereavement leave as defined in the Monterey City Code 25.12.02e Family Member Critical Illness/Death.

d. The employee is in a ‘full restriction’ Worker’s Compensation or in an authorized non-work medical status.

e. The employee is in a department administrative status and the Department determines such status precludes court appearances.

NOTE: All other regularly scheduled days off, other approved time off or scheduled training shall not normally result in the Department refusing to accept a subpoena.

2. The Department receives a subpoena for a former employee.

B. It is the responsibility of the Witness Coordinator to notify the District Attorney Witness Coordinator, the Superior Court Clerk’s Office for traffic subpoenas, or other attorney of record of the unavailability of the employee due to a previously approved primary or secondary vacation, absence due to bereavement leave, or change in employment status. The Witness Coordinator will contact the subpoenaing agency by telephone, fax, or electronic mail to advise them of the conflict and request a change.
C. If the subpoenaing agency and/or the court agree to a change of the appearance date, the Witness Coordinator will return the original subpoena to the requesting agency and include a written explanation as to why the employee is unavailable. Every effort shall be made to determine a date for the employee to appear as requested by the court.

D. If the subpoenaing agency and/or the court decline the request for a change in date, the appropriate Deputy Chief will be notified to determine further action. Further action may include having the subpoena served and ordering the employee to appear, designating a manager to contact the subpoenaing agency personally to try to resolve the issue, or requesting that the charges be dismissed. The Deputy Chief will document what action is being taken on an electronic email to the Witness Coordinator and the concerned employee.

E. An employee who is sick is not automatically relieved of their responsibility to attend any proceeding for which they have been subpoenaed. Refer to MPD Directive 83.03 - OVERTIME, SICK-TIME AND WORKER’S COMPENSATION TIME for further direction.

F. When an employee receives a subpoena and they do not believe they have information pertinent to the matter at hand (i.e. all employees mentioned in the report are subpoenaed for a preliminary hearing), the employee may contact the Investigations Sergeant for advice. If the Investigations Sergeant agrees that there was no reason for the employee to be subpoenaed, the Investigations Sergeant is authorized to contact the subpoenaing agency to seek relief for the concerned employee. The Investigations Sergeant shall notify the Witness Coordinator and the concerned employee of the results via electronic mail of the final decision.

Note: This procedure shall only be used when it appears the employee’s appearance does not reasonably appear to be necessary. All other requests for relief must follow the procedures outlined in Section VI.

VI. EMPLOYEE REQUESTS REVIEW DUE TO CONFLICT

A. When an employee has received a subpoena and believes that they may be unable to appear as subpoenaed, the employee should immediately contact an on-duty Department supervisor for guidance.

B. If the supervisor believes that the circumstances presented by the employee justify that the employee request to be excused from the subpoenaed appearance, the supervisor shall:
1. Direct the employee to prepare a memo outlining the detailed basis of that justification and other pertinent information. A copy of the subpoena shall be attached.

2. Forward the employee’s memo through the chain of command to the appropriate Deputy Chief for review. The supervisor shall advise the employee that he or she will not be excused from the subpoena unless and until the Deputy Chief has approved the request and the Witness Coordinator has made the appropriate arrangements.

3. Following review and approval, the Deputy Chief will forward the memo to the Department Witness Coordinator. The Deputy Chief will indicate approval by signing the memo and writing the word “Approved” in the upper right corner.

4. After the Deputy Chief approves the request, the Witness Coordinator will work with the officer and supervisor to arrange for the officer to be excused from the appearance.

   NOTE: Employees/Supervisors may contact the Witness Coordinator for the purpose of making arrangements to be excused only after receiving permission to do so from the Deputy Chief.

5. If the Deputy Chief does not approve the request, the memo shall be returned to the concerned employee. In such cases, the Deputy Chief shall write the word “Denied” and sign his/her name in the upper right hand corner. The employee will be required to appear as directed on the subpoena.

6. If, after giving approval for the Witness Coordinator to request a change in the court date, the Department is advised that the request is not granted by the subpoenaing agency and/or the court, the information will be forwarded to the appropriate Deputy Chief. The Deputy Chief will review the circumstances to determine if there will be any further action; refer to Section V.D. of this policy. The Deputy Chief will document the action on an electronic mail to the Witness Coordinator and the concerned employee.

VII. SERVICE OF SUBPOENAS – GENERAL GUIDELINES

A. 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 to the employee’s supervisor or other authorized Departmental agent (Government Code §68097.1).
NOTE: A subpoena is considered personally served when it is received in an employee’s mail box, they are notified of the service by electronic mail and/or they personally speak with the Witness Coordinator by telephone.

B. The Witness Coordinator is responsible for completing the following tasks when serving a criminal subpoena:

1. Stamp all accepted subpoenas with the “M.P.D. Subpoena Service” stamp. “M.P.D. Subpoena Service” stamp will require the following information:
   a. The date of service.
   b. The name of the person serving the subpoena.
   c. The method by which notification is made.

2. Send an electronic mail message to the subpoenaed employee advising the employee of the subpoena type, date, time and location of appearance.

3. Place a copy of the subpoena in the employee’s mailbox.

4. Copy the electronic mail message to the employee’s immediate supervisor.

5. Maintain a copy of the electronic mail message and a hard copy of the subpoena for six months following the court appearance.

6. Contact the subpoenaed employee by telephone if the date and time to appear in court happens prior to the employee returning to work following scheduled time off or regular days off.

7. Notify a supervisor and the subpoenaing agency in the event that an employee can not be reached in a timely manner to be notified about a valid subpoena.

VIII. SERVICE TO PRIVATE PERSONS, RETIRED, AND FORMER EMPLOYEES

A. Private Persons

1. The Department assists the District Attorney’s office in serving subpoenas on private persons related to criminal matters. When the Witness Coordinator receives a subpoena of this type, the subpoena will be placed in the incoming box in the Watch Commander’s office.
2. The Watch Commander will review the subpoena and enter the appropriate information on the Subpoena Log posted in the Watch Commander’s Office. The Watch Commander should assign an officer to attempt to serve the subpoena as soon as possible.

3. Unsuccessful service attempts shall be documented on the front of the subpoena. The subpoena will be placed on the Subpoena Log clipboard in the Watch Commander’s Office until it is served.

4. If the subpoena is served, the serving employee must complete the bottom portion of the subpoena and return it to the Watch Commander. The Watch Commander will complete the subpoena log and forward the subpoena service confirmation to the District Attorney’s office.

5. If service is not completed by one week before the hearing, the Watch Commander will forward the subpoena to the Witness Coordinator, who will notify the District Attorney’s office of the non-service. Completed Subpoena Log sheets should be forwarded to the Witness Coordinator for storage.

B. Retirees and Former Employees

1. The Department has no authority to accept subpoenas on behalf of retired or former employees. If the Department receives a subpoena in which a retired or former employee is named, the Witness Coordinator will attempt to contact the individual named via telephone if possible, advise them of the subpoena, and request they contact the District Attorney’s Office or requesting agency.

2. The Witness Coordinator shall notify the District Attorney or requesting agency that the subpoena is being returned due to the change in employment status of the named individual and that, as a courtesy, contact was made or attempted with the subpoenaed individual advising them of the subpoena. If, at the time the subpoena is received, the named individual is employed with another law enforcement agency, the Witness Coordinator will provide this information to the District Attorney or requesting agency.

3. Under no circumstances shall the Witness Coordinator or any Department member release personal contact information of a former employee to any requesting agency, including the District Attorney. The requestor must file a Pitchess Motion in order to obtain this information for a current or former sworn employee.
IX. SUPERVISOR RESPONSIBILITIES

It is the responsibility of every supervisor to stay informed regarding their employees’ subpoena-related activities to help ensure compliance with this Directive.

X. COURTROOM PREPARATION AND PROTOCOL

Employees shall be punctual when appearing in court, or at other administrative hearings, and should be prepared to proceed immediately with the case for which they are subpoenaed. Before testifying, the subpoenaed employee must review relevant reports and become familiar with their content in order to be prepared for such hearing. Employees shall appear either in a police uniform or in business attire and should be groomed according to Department standards. Employees will observe all rules of the location in which they are appearing and should remain alert to changes in the assigned room where their matter is to be heard.

XI. COURT ATTENDANCE – CIVIL SUBPOENA APPEARANCES

Department employees shall appear as directed in response to a civil subpoena. After appearing, the employee must complete the MPD Civil Subpoena Appearance Form and return it to the Witness Coordinator. The Witness Coordinator will prepare an invoice based on the appropriate hourly rate for the subpoenaed employee and forward the invoice to the Finance Office for billing and collection.

XII. SUBPOENAING WITNESSES – TRAFFIC HEARINGS

A. It is the responsibility of Department employees to prepare traffic-related hearings for prosecution. This preparation includes arranging for all witnesses and involved parties to be subpoenaed for the court trial. If an employee requires that a subpoena be issued for a witness or other involved party, he or she shall:

1. Provide a copy of the face sheet of the police report to the Witness Coordinator.

2. Clearly highlight witness and contact information on the face sheet.

B. The Witness Coordinator shall:

1. Contact the District Attorney Witness Coordinator and request subpoenas to be issued.

2. Notify the employee that the request is complete.
C. The District Attorney’s Office will notify the Witness Coordinator if a witness is unavailable for court. The Witness Coordinator will advise the requesting employee and an alternate hearing date will be requested.

D. The employee shall notify their supervisor if a witness is unavailable for court and an alternate hearing date cannot be arranged. In such cases, the concerned Deputy Chief shall be notified. He/She shall review the circumstances and determine whether the Department should seek dismissal of the case.

XIII. SUBPOENAS NOT RELATED TO THE SCOPE OF EMPLOYMENT

Employees receiving valid subpoenas for actions taken off-duty, not related to their scope of employment with Monterey Police Department, shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance, and arrangements for time off shall be coordinated through their immediate supervisor.

XIV. 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.
3090 DV Advocate Procedure 062518.pdf
Monterey Police Department
Procedure 3090
YWCA Domestic Violence Advocate

1. Purpose

The Monterey Police Department has received a grant to partner with the YWCA to provide advocate outreach to victims of domestic violence and domestic disturbance related incidents.

2. MPD Responsibilities

- The MPD will provide a work space for a YWCA advocate to perform outreach.
- The MPD will provide an officer to liaison with the YWCA advocate. (Currently assigned to a Detective in the Investigations Division)
- The MPD will request permission to disseminate contact information from victims of domestic violence and domestic disturbance related incidents to the YWCA advocate.
- The MPD may request the YWCA advocate respond to the scene of domestic violence and domestic disturbance related incidents to provide outreach once the scene is safe.

3. YWCA Responsibilities

- The YWCA will provide a full-time (40 hours per week) advocate to perform outreach.
- The YWCA will provide a vehicle for the advocate to respond to scenes in the field.
  - Ride alongs with officers are encouraged to increase MPD staff and YWCA advocate familiarity with each organization’s capabilities.
- The YWCA advocate will provide training to MPD staff on issues regarding domestic violence.

4. Field Procedure

- In applicable cases, officers will ask the victim the following, “Can we forward this police report to a YWCA victim advocate and have them contact you to explain services and resources available to you?”
- A check box with the above has been added to the second page of the MPD Domestic Violence Supplement form.
• If officers need immediate assistance from the advocate at the scene or have domestic violence related questions, call the advocate’s cell phone 831-206-2915, 24 hours a day/night.

5. Report Procedure

• Domestic violence and domestic disturbance related incidents include:
  o 243(e)(1) PC
  o 273.5 PC
  o 273.6 PC
  o MP Domestic
  o Note that other cases involving a domestic relationship could include:
    ▪ 422 PC, 653m PC, 647.6 PC, etc.
    ▪ Sexual Assault victims that also involve domestic violence should be provided advocate outreach from SART.

• In the “SUMMARY” section of all applicable case report narratives, the officer shall include the following sentence, “VICTIM NAME agreed/declined (select one) to have this report provided to a Domestic Violence Response Team Advocate.”
  o If the “SUMMARY” does not list whether or not the subject agreed to contact, the supervisor will inquire with the officer and have the information included.

• Supervisors approving any applicable cases in TracNet in the ‘Case Management’ screen will check the “DV Advocate Followup” box:

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<tr>
<th>Mgmt Determination</th>
<th>Sobering Center</th>
<th>Force with Serious Injury</th>
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<tbody>
<tr>
<td>ABC</td>
<td>CIS or Death in Custody</td>
<td>DNA Submitted/Pending</td>
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<tr>
<td>POLD</td>
<td>DUI Accident</td>
<td>Other Pointed Firearm</td>
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<tr>
<td>Use of Force</td>
<td>DNA Collected</td>
<td>DV Advocate Followup</td>
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6. MPD Domestic Violence Liaison Responsibilities

• The officer/detective assigned as the YWCA liaison will review cases assigned for follow-up with the advocate.
• Forward appropriate case synopsis and victim contact information to the advocate.
• Meet regularly with the advocate.
• Provide department wide training as appropriate.
• Conduct an annual review of these procedures with a supervisor to ensure the efficiency of the process.
8081 Mountain Lion Procedures Prior 0406.pdf
I. PURPOSE

To establish a protocol for the handling of mountain lion (a.k.a. cougar, panther or puma) sightings, encounters, and attacks in the City.

II. POLICY

A. It shall be the policy of this Department to work with the California Department of Fish & Game (DFG), the agency that has statutory responsibility for wildlife in the State, on mountain lion related incidents.

B. The Department recognizes the special protection afforded mountain lions and will adhere to Department of Fish and Game Code Sections §4800-4809 which describe, among other things, the process to be used when it appears that a mountain lion must be taken or destroyed.

III. ROLES AND RESPONSIBILITIES

A. Monterey Police Department is responsible for:

1. Providing for public safety;

2. Securing the site of lion-human interaction;

3. Notifying the DFG;

4. Investigating and documenting lion-human interactions;

5. Preparing response strategies in cooperation with DFG, the Sheriff's Office, State Parks, and other involved agencies as appropriate;

6. Coordinating the release of public information with DFG, and other involved agencies.

B. The California Department of Fish and Game can assist the Police Department in the following ways:

1. Providing expertise and assistance in determining the appropriate response to mountain lion related incidents.
2. Arranging for assistance from the United States Department of Agriculture, Animal Damage Control (ADC).

3. Providing information on local, regional, statewide, and national mountain lion-related incidents.

4. Providing informational/educational materials to the public.

IV. MOUNTAIN LION BEHAVIOR - ACCEPTABLE VS. UNACCEPTABLE

A. For the purposes of formulating a response to incidents involving a mountain lion, the following information regarding acceptable vs. unacceptable lion behavior is provided.

1. **Acceptable behavior** is defined as a lion-human interaction where there is no unprovoked aggression from the mountain lion toward the human. Examples of acceptable/normal mountain lion behavior include:
   
a. The lion retreats at the sight of a human.

   b. The lion maintains its position while humans show no aggression.

   c. The lion shows signs of curiosity while humans show no aggression.

   d. The lion takes an aggressive posture followed by retreat or no further aggression.

2. **Unacceptable behavior** is defined as anytime a mountain lion displays unprovoked aggression, stalking that would likely result in an attack if not averted, or an actual attack. Examples of unacceptable/abnormal behavior include:

   a. The mountain lion displays unprovoked aggression.

   b. The lion does not retreat when aggressive actions are taken by humans.

   c. The lion exhibits stalking or other forms of predatory behavior towards humans.

   d. The lion damages personal property.

   e. The lion attacks a domestic animal.

   f. The lion attacks a human.
B. Not every lion-human interaction will easily fit into one of the two behavior patterns listed above and will have to be judged on the particular circumstances of that interaction. Officers should look at each lion-human interaction for signs of a mountain lion that displays little fear of, or an unusual interest in, humans.

V. INCIDENT CLASSIFICATIONS AND RESPONSE PROCEDURES

A. **Sighting or Encounter**

1. A sighting is a visual observation of a mountain lion.

2. An encounter is an unexpected direct meeting between a human and a lion without incident and the lion displayed acceptable/normal behavior.

3. Since the City contains good woodland habitat for mountain lions, a sighting or encounter is not normally an incident requiring more than a standard response. Exceptions to this would be instances in which the lion:

   a. Appears to be sick or injured,

   b. Is in a developed area, or

   c. Displays some abnormal behavior or condition.

4. When assigned to an incident that appears to be a mountain lion sighting or encounter, the officer shall:

   a. Respond to the scene and conduct a preliminary investigation to determine the facts and assess the situation;

   b. Notify the Watch Commander.

   NOTE: Upon receiving such a notification, the Watch Commander shall notify the Field Operations Deputy Chief and the Department of Fish and Game (DFG) at (831) 649-2870 or (831) 755-5111 (24 Hour Emergency Law Enforcement Number);

   c. Complete an Incident Report.
B. **Recurring Sightings**

1. Recurring sightings are repeated sightings of a mountain lion in a given area.

2. When assigned to an incident that appears to be a recurring sighting, the officer shall follow all of the steps required for a sighting or encounter.

3. The Field Operations Deputy Chief shall:
   
a. Ensure that the situation is closely monitored and that an appropriate response is developed;
   
b. Work collaboratively with DFG and any other involved agencies;
   
c. Provide information to the public as warranted;

C. **Mountain Lion Event**

1. A Mountain Lion Event is an incident that involves:
   
a. Conflict between a human and a lion that had or could have had serious consequences.
   
b. A mountain lion displaying unacceptable/abnormal behavior.
   
c. A person involved believing that his/her safety was threatened.
   
d. An incident in which *domestic* animals are attacked.

2. When investigating a possible mountain lion event, it is important to determine a number of factors, including:
   
a. Number of lions involved.
   
b. The description of the lion (i.e., size, coloring, markings).
   
c. The appearance of the lion (i.e., position of ears, tail twitching, crouching, sniffing ground)?
   
d. The level of fear toward humans that was demonstrated by the lion.
   
e. The demeanor of the lion and its behavior toward people.
   
f. Was the animal feeding, with young, or appear to be cornered?
g. What attempts were made to scare off the lion?

h. Did the lion follow, chase, or stalk the domestic animal or person?

i. Were any injured animals or carcasses found in the area?

j. Were any animal tracks or other evidence of activity found?

3. When assigned to an incident that appears to be a mountain lion event, the officer shall follow all of the steps required for a recurring sighting.

D. Destruction of a Mountain Lion

1. Officers should attempt to destroy a mountain lion only when it can be reasonably determined that the lion has been involved in unprovoked aggression toward a human or has attacked a domestic animal and is a threat to public safety.

2. If it becomes necessary to destroy a mountain lion the following firearms/ammunition are recommended in order of preference, depending upon the circumstances present.

   a. MPD CAR-15 with department issued Federal .55 grain soft point ammunition.

   b. MPD 12 gauge shotgun with department issued Federal LE132 .00 buck or Federal LE127 rifled slug.

   c. MPD .40 cal duty pistol with department issued Federal HST 165 grain duty ammunition.

3. When a mountain lion has been destroyed, the Watch Commander shall notify the Field Operations Deputy Chief, DFG, as well as the DFG lab at (916) 355-0124.

   a. When appropriate, the area is to be secured and treated as a felony crime scene.

   b. If a mountain lion has been killed, the lab will require that the deceased animal be bagged (paws also bagged individually) and treated in the same manner as evidence.

   c. If needed, arrangements should be made for Investigations personnel to respond to the scene.
4. In all such cases, the Field Operations Deputy Chief will ensure that a coordinated response is developed and implemented as soon as practical.

E. **Mountain Lion At Large**

1. When the situation involves a mountain lion event and the involved mountain lion is at large, DFG will contact the appropriate Animal Damage Control (ADC) personnel for tracking (ADC will not act until approval is received from DFG). Time is critical. Successfully tracking typically occurs when qualified personnel are on scene within a few of hours of the incident.

2. In all such tracking scenarios, the Police Department will request a permit from DFG authorizing the destruction of the animal.

3. The Field Operations Deputy Chief shall ensure that additional public safety measures are initiated as appropriate, including media release(s), and notification of nearby land owners, businesses, local jurisdictions, etc.

F. **Mountain Lion Attack**

1. A Mountain Lion attack is an incident in which a human being is injured or killed by a mountain lion.

2. When assigned to an incident that appears to be a *mountain lion attack*, the officer shall take all of the steps required for a *mountain lion event*.

3. The officer shall also request medical care for the victim(s) and notify the Coroner, when appropriate.

VI. **CLOSURE PROTOCOL**

A. A City street or any public access, or a portion thereof, should be closed whenever necessary for public safety, for investigation purposes, or for tracking a mountain lion. The Watch Commander may immediately close an area for public safety purposes (Penal Code Section 409.5).

B. As soon as practical, a Press Release should be issued regarding the closure order, indicating the scope and duration.
VII. PUBLIC INFORMATION

As warranted, the Department will provide for the release of information to the public regarding mountain lion-related incidents. Additionally, educational information may be obtained from the Department of Fish and Game Web site at http://www.dfg.ca.gov/gallery/mtlionbro.pdf.

VIII. ADDITIONAL RESOURCE

The Mountain Lion Foundation is a nonprofit conservation and education organization dedicated to protecting the mountain lion and their wild habitat to ensure that wildlife heritage endures for future generations. Information on their resources may be obtained at http://www.mountainlion.org.

TIM SHELBY
Chief of Police

ORIGINAL: November 2004
REVISED: November 2007
8082 Barking Dog Complaints Prior 8708.pdf
I. POLICY

To set forth a procedure for the investigation, reporting and handling of barking dog complaints.

II. PROCEDURES

A. Initial Investigation

1. The officer will determine if there is, in fact, a violation of MCC 22-18.
   
   a. If the officer witnesses the violation, a citation may be issued and attached to an appropriate written report.
   
   b. If the officer does not witness the violation, the following action should be taken:
      
      (1) Attempt contact with owner to resolve problem. If the owner is not home, a note will be left advising of the complaint.
      
      (2) Advise complainant of requirement for independent corroboration by at least two neighbors before prosecution can proceed.
      
      (3) Provide complainant with copies (3) of MPD form, “Noisy Animal Log.”
      
      (4) Complete report of action taken and forward to Animal Control.

B. Follow-Up

1. If a citation has been issued and a report prepared by an officer who witnessed the violation, the report will be forwarded to the City Attorney for final action.
2. If a “Noisy Animal Log” has been given to the complainant, the follow-up will be completed by Animal Control. Such follow-up may include:

a. Review of original report to determine if other complainants exist.

b. Monitor cases where a complainant has been given the “Noisy Animal Log.”

   (1) If returned and corroboration has been established, file case with City Attorney.
   (2) If log is not returned within (30) days, suspend or close the case by Supplemental Report.
   (3) Animal Control will be responsible for maintaining current files on open cases where complainant has received “Noisy Animal Log.”

Gary E. Brown, Police Chief

ORIGINAL: December 1987
REVISED: October 1994
REVISED: October 1995
REVIEWED: October 1998
REVISED: May 1999
REVISED: October 1999
Monterey County Operational Area
Suspicious Parcels, Chemical Materials and Bio Terrorism Call Taking, Pre-Arrival Instructions and Dispatch Protocols

<table>
<thead>
<tr>
<th>SITUATION</th>
<th>BASIC CALL TAKING GUIDE</th>
<th>PRE-ARRIVAL INSTRUCTIONS</th>
<th>DISPATCH PROTOCOL</th>
<th>NOTIFICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNOPENED ENVELOPE OR PACKAGE, AND</td>
<td>Exact location of the incident.</td>
<td>Isolate and contain the letter or package; do not move it anymore.</td>
<td>Call Type HZM.</td>
<td>Follow normal agency notification protocols.</td>
</tr>
<tr>
<td>NO LEAKING SUBSTANCE, AND,</td>
<td>Reporting party’s name and call back telephone number.</td>
<td>Keep others away from the letter or package.</td>
<td>Dispatch law enforcement agency of jurisdiction to secure the scene and determine further course of action.</td>
<td>If requested, notify the US Postal Inspector at (415) 778-5911.</td>
</tr>
<tr>
<td>NOBODY COMPLAINING OF DIRECT EXPOSURE, AND,</td>
<td>What happened?</td>
<td>Everybody who had contact with the letter or package should remain at a safe distance; avoid mingling with others who were not in contact with the item.</td>
<td>This is a high-priority event, but not an emergency; Code 3 is not warranted.</td>
<td>If requested, notify FBI San Francisco office at (415) 575-5028 or 553-7400.</td>
</tr>
<tr>
<td>NO CREDIBLE THREAT.</td>
<td>Why do you think the letter or package may be hazardous?</td>
<td>The area where the letter or package is located should be secured – close doors and windows, turn off heating, ventilation and air conditioning system, if possible.</td>
<td>On-Scene Protocols</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Describe the letter or package.</td>
<td>Do not touch your eyes, nose or mouth.</td>
<td>See the attached “Recommended Response Guidelines for Unidentified Substances or Suspicious Parcels” for specific recommended actions to be undertaken by first responder agencies.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Describe the mailing information, addressee, return address, stamps, postal stamp, and other identifying information.</td>
<td>Wash your hands with soap and warm water for at least one minute.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>When was the letter or package received?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>How was it received, US Mail, FedEx, other?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do you have any reason to believe you might be the target of a terrorist threat?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Was there any threat received before or after the letter or package was received?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Credible Threat Determination**
- Dispatchers will determine all available details for forwarding to responding agencies.
- **Dispatchers are not responsible for the determining the credibility of a threat.**

**On-Scene Protocols**

**EFFECTIVE DATE:** 10/24/01
### Monterey County Operational Area

**Suspicious Parcels, Chemical Materials and Bio Terrorism Call Taking, Pre-Arrival Instructions and Dispatch Protocols**

<table>
<thead>
<tr>
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<th>BASIC CALL TAKING GUIDE</th>
<th>PRE-ARRIVAL INSTRUCTIONS</th>
<th>DISPATCH PROTOCOL</th>
<th>NOTIFICATIONS</th>
</tr>
</thead>
</table>
| › SUSPICIOUS UNOPENED ENVELOPE OR PACKAGE, OR. | › Exact location of the incident.  
› Reporting party’s name and call back telephone number.  
› What happened?  
› Why do you think the letter or package may be hazardous?  
› Describe the letter or package.  
› Describe the mailing information, addressee, return address, stamps, postal stamp, and other identifying information.  
› When was the letter or package received?  
› How was it received, US Mail, FedEx, other?  
› Do you have any reason to believe you might be the target of a terrorist threat?  
› Was there any threat received before or after the letter or package was received? | › Isolate and contain the letter or package; do not move it anymore.  
› Keep others away from the letter or package.  
› Everybody who had contact with the letter or package should remain at a safe distance; avoid mingling with others who were not in contact with the item.  
› The area where the letter or package is located should be secured – close doors and windows, turn off heating, ventilation and air conditioning system, if possible.  
› Do not touch your eyes, nose or mouth.  
› Wash your hands with soap and warm water for at least one minute. | › Call Type HZM.  
› Dispatch law enforcement agency of jurisdiction to secure the scene and determine further course of action.  
› This is a high-priority event, but not an emergency; Code 3 is not warranted. | › Follow normal agency notification protocols.  
› If requested, notify the US Postal Inspector at (415) 778-5911.  
› If requested, notify FBI San Francisco office at (415) 575-5028 or 553-7400.  

### Signs of a Suspicious Letter or Package

(US Postal Inspector web page)

› There is any powdery substance on the outside of the letter or package.  
› The letter or package was unexpected or from an unfamiliar person.  
› It is addressed to someone no longer with your organization or is otherwise outdated.  
› It does not have a return address, or one that cannot be verified as legitimate.  
› It is an unusual weight, given its size, or is lopsided or oddly shaped.  
› It has an unusual amount of tape on it.  
› It is marked with restrictive endorsements, such as “Personal” or “Confidential.”  
› It has strange odors or stains  
› It shows a city or state in the postmark that does not match the return address.

### Credible Threat Determination

› Dispatchers will determine all available details for forwarding to responding agencies.  
› Dispatchers are not responsible for the determining the threat credibility.

### On-Scene Protocols

› See the attached “Recommended Response Guidelines for Unidentified Substances or Suspicious Parcels” for specific recommended actions to be undertaken by first responder agencies.

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**EFFECTIVE DATE:**

10/24/01

**PROTOCOL - 2**
Monterey County Operational Area

Suspicious Parcels, Chemical Materials and Bio Terrorism Call Taking, Pre-Arrival Instructions and Dispatch Protocols

<table>
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<tr>
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<th>BASIC CALL TAKING GUIDE</th>
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<th>NOTIFICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPENED ENVELOPE OR PACKAGE WITH SUSPICIOUS SUBSTANCE OR POWDER, OR</td>
<td>Exact location of the incident.</td>
<td>If safe to do so, remain on the telephone until a public safety official arrives.</td>
<td>Dispatch the law and fire agencies of jurisdiction and Environmental Health to secure the scene and determine further course of action.</td>
<td>Follow normal agency notification protocols.</td>
</tr>
<tr>
<td>SUBSTANCE SPILLED OR LEAKING FROM ENVELOPE OR PACKAGE.</td>
<td>Reporting party’s name call back telephone number.</td>
<td>Isolate and contain the letter or package; do not move it.</td>
<td>WARN RESPONDERS OF POTENTIAL DANGER.</td>
<td>If requested, notify the US Postal Inspector at (415) 778-5911.</td>
</tr>
<tr>
<td></td>
<td>What happened?</td>
<td>Keep others away from the letter or package – “quarantine” the area.</td>
<td>On-Scene Protocols</td>
<td>If requested, notify FBI San Francisco office at (415) 575-5028 or 553-7400.</td>
</tr>
<tr>
<td></td>
<td>How many people were exposed?</td>
<td>Everybody who had contact with the letter or package should remain at a safe distance, but nearby the item.</td>
<td></td>
<td>Follow normal notification procedures for Hazardous Materials incidents.</td>
</tr>
<tr>
<td></td>
<td>Is anybody experiencing any physical symptoms or require the paramedics? <em>If so, refer to the AMR Dispatch.</em></td>
<td>The area where the letter or package is located should be secured – close doors and windows, turn off heating, ventilation and air conditioning system, if possible.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Signs of a Suspicious Letter or Package</td>
<td>Describe the letter or package and the substance that leaked or spilled; how much spilled or leaked.</td>
<td>Do not touch your eyes, nose or mouth.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(US Postal Inspector web page)</td>
<td>Describe the mailing information, addressee, return address, stamps, postal stamp, and other identifying information.</td>
<td>Wash your hands with soap and warm water for at least one minute.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>When was the letter or package received?</td>
<td>Then, wash your face, blow your nose and wash your hands again.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>How was it received, US Mail, FedEx, other?</td>
<td>Have everybody who had contact with the letter or package to remain on one area until they receive instructions from a public safety officer.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Do you have any reason to believe you might be the target of a terrorist threat?</td>
<td>Obtain the names and contact information of everybody who had contact with the letter, package or material.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>If there are any medical symptoms, such as difficulty breathing, etc., refer to AMR Dispatch.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Credible Threat Determination</td>
<td>Was there any threat received before or after the letter or package was received?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dispensers will determine all available details for forwarding to responding agencies.</td>
<td>Dispatchers are not responsible for the determining the threat credibility.</td>
<td></td>
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</table>

**EFFECTIVE DATE:**

10/24/01

PROTOCOL - 3
Monterey County Operational Area
Suspicious Parcels, Chemical Materials and Bio Terrorism Call Taking, Pre-Arrival Instructions and Dispatch Protocols
Statutes and Legal Requirements.pdf
Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.
CPC 422.56 - Provides definitions of terms included in hate crimes statutes.
GC 12926 - Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another’s exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.
CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.
CPC 288(b)(2) - Sexual assault of dependent person by caretaker
CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.
CPC 594.3 - Vandalism of places of worship.
CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.
CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another’s exercise of civil rights.
CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.
CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.
CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.
CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.
Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023 - Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.
AGREEMENT FOR SCHOOL RESOURCE OFFICER SERVICES
City of Monterey and Monterey Peninsula Unified School District

THIS AGREEMENT for School Resource Officer (SRO) Services is made and entered into this 9th day of November, 2017, by and between the City of Monterey (hereinafter "Monterey"), a municipal corporation, as the service provider, and the Monterey Peninsula Unified School District (MPUSD), hereinafter "MPUSD".

WHEREAS, MPUSD desires to utilize the City of Monterey for School Resource Officer services as outlined in detail in the attached Exhibit A; and

WHEREAS, Monterey is willing and qualified to provide such services to MPUSD upon the terms and conditions set forth herein; and

WHEREAS, California Government Code section 54981 provides the City Council of Monterey and MPUSD with the authority to contract for performance of municipal services by the former within the territory of the latter; and

WHEREAS, the Monterey City Council authorized an agreement for School Resource Officer services for the Monterey Peninsula Unified School District on May 16, 2017 by the passage of Resolution No. 17-070; and

WHEREAS, the Monterey City Council amended Resolution 17-070 and authorized this agreement on October 17, 2017 by the passage of Resolution 17-173; and

WHEREAS, the Monterey Peninsula Unified School District Board of Education approved this agreement at their regular Board meeting on September 12, 2017.

NOW, THEREFORE, in consideration of the recitals and the mutual obligations of the parties as herein expressed, Monterey and MPUSD agree as follows:

1. SERVICES TO BE PROVIDED. The Monterey Peninsula Unified School District hereby engages Monterey to perform, and Monterey hereby agrees to perform, the services described in Exhibit A in conformity with the terms of this Agreement.

1.01. FINAL DECISION AUTHORITY. Monterey's Chief of Police shall have final decision authority over the results of the services performed on behalf of Monterey and all work performed by Monterey shall be to the satisfaction of MPUSD's Superintendent or his designee. In instances where a dispute arises over the Superintendent's determination, Monterey's City Manager shall render a final decision.

1.02. DUTIES OF MONTEREY AND MPUSD. See Exhibit A.

1.03. EXTRA WORK. Monterey shall not perform extra work without written authorization from MPUSD's Superintendent or designee. Any extra work so authorized shall be

T00001-CA (v. 1.0 - 04/19/2013)
within the general scope of work set forth in this Agreement.

2. PAYMENTS BY MPUSD. MPUSD agrees to pay Monterey fifty percent (50%) of Monterey's fully burdened costs for the SRO position from August 2, 2017 through June 1, 2018 in an amount not to exceed $86,223.

Monterey will invoice MPUSD quarterly and payment shall be made in four (4) equal quarterly payments for the term of the contract. Payment shall be made within thirty (30) days after receipt of such invoice. An additional two percent (2%) will be paid as a late payment carrying charge for each thirty days of delinquency thereafter. Any disputed invoices shall be brought to Monterey’s attention within ten (10) days of receipt or invoices will be deemed acceptable.

3. TERM OF AGREEMENT.

3.01. TERM. The term of this Agreement shall be from August 2, 2017 through June 1, 2018 unless sooner terminated pursuant to the terms set forth in section 8 herein.

4. ADDITIONAL PROVISIONS/EXHIBITS. The following attached exhibits are incorporated herein by reference and constitute a part of this Agreement.

Exhibit A Scope of Services

5. PERFORMANCE STANDARDS.

5.01. Monterey warrants that Monterey and Monterey’s agents, employees, and subcontractors performing services under this Agreement are specially trained, experienced, competent, and appropriately licensed (if applicable) to perform the work and deliver the services required under this Agreement, and that they are not employees of MPUSD.

5.02. Monterey, its agents, employees and subcontractors shall perform all work in a safe and skillful manner and in compliance with all applicable laws and regulations. All work performed under this Agreement that is required by law to be performed or supervised by licensed personnel shall be performed in accordance with such licensing requirements.

5.03. Monterey shall furnish all materials, equipment, and personnel necessary to carry out the specific services set forth in Exhibit A herein, except as otherwise specified in this Agreement. Monterey shall not use MPUSD’s premises, property (including equipment, instruments, or supplies) or personnel for any purpose other than in the performance of its obligations under this Agreement.

6. TERMINATION.

6.01. During the term of this Agreement, either party may terminate the Agreement for any reason by giving written notice of termination to the other party at least sixty (60) days prior to the effective date of termination. In the event of an adverse claim or litigation involving either party and related to the services of this Agreement, this Agreement may be terminated by either party giving written notice at least thirty (30) days prior to the effective date of termination. Any
termination notice shall set forth the effective date of termination.

6.02. MPUSD may cancel and terminate this Agreement for good cause effective upon 15 days written notice to Monterey. “Good cause” includes the failure of Monterey to perform the required services at the time and in the manner provided under this Agreement. If MPUSD terminates this Agreement for good cause, MPUSD may be relieved of the payment of any consideration to Monterey.

6.03. Monterey may cancel and terminate this Agreement for good cause effective upon 15 days written notice to MPUSD. “Good cause” includes but is not limited to failure of MPUSD to pay Monterey at the time and in the manner provided under this Agreement or other failure of MPUSD to fulfill its responsibilities set forth in Exhibit A herein. Termination of this Agreement pursuant to this section shall not be construed to limit Monterey’s right to obtain, by any means available at law, the amount MPUSD may owe Monterey under this Agreement.

7. **INDEMNIFICATION.** Each party agrees to indemnify, defend and hold harmless the other party, their respective elected and appointed officials, officers, agents, and employees, from and against any and all claims, losses, actions, damages, expenses or liabilities, including reasonable acts or omissions. Each party assumes worker’s compensation liability for injury or death of its elected and appointed officials, officers, agents, and employees, and assumes no worker’s compensation responsibility for the elected and appointed officials, officers, agents and employees of the other party. Accordingly, MPUSD and Monterey each waive rights of subrogation against one another as respects workers compensation.

8. **INSURANCE.**

8.01 Each party shall maintain in effect, at its own cost and expense, the following insurance coverage provided either through a bona fide program of self-insurance, commercial insurance policies, or any combination thereof as follows:

a. Commercial General Liability or Public Liability with minimum limits of $1,000,000 per occurrence and $2,000,000 in the aggregate. Each party shall prove that is self insured to the limits specified or have its insurance policy endorsed to name the other party additionally insured.

b. Auto Liability including owned, leased, nonowned, and hired automobiles, with a combined single limit of not less than $1,000,000 per occurrence and $2,000,000 in the aggregate.

c. If a party employs others in the performance of this Agreement, that party shall maintain Workers’ Compensation in accordance with California Labor Code section 3700 with a minimum of $1,000,000 per occurrence for employer’s liability, for the duration of time that such workers are employed.

d. Each party shall maintain in effect throughout the term of this agreement all risk property insurance, excluding earthquake and flood, on all permanent property of an insurable nature in an amount sufficient to cover at least 100% of the replacement

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costs of said property.

8.02 All insurance required by this Agreement shall:

a. Be placed (1) with companies admitted to transact insurance business in the State of California and with a current A.M. Best rating of no less than A:VI or with carriers with a current A.M. Best rating of no less than A:VII; or (2) disclosed self-insurance with limits acceptable to the other party;

b. Provide that each party’s insurance is primary and non-contributing insurance to any insurance or self insurance maintained by the other party and that the insurance of the other party shall not be called upon to contribute to a loss covered by a party’s insurance; and

c. Subsequent to execution of this Agreement, each party shall file certificates of insurance with the other party evidencing that the required insurance is in effect.

9. NONDISCRIMINATION. During the performance of this Agreement, Monterey, and its subcontractors, shall not unlawfully discriminate against any person because of race, religious creed, color, sex, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age (over 40), or sexual orientation, either in Monterey’s employment practices or in the furnishing of services to recipients. Monterey shall ensure that the evaluation and treatment of its employees and applicants for employment and all persons receiving and requesting services are free of such discrimination. Monterey and any subcontractor shall, in the performance of this Agreement, fully comply with all federal, state, and local laws and regulations which prohibit discrimination. The provision of services primarily or exclusively to such target population as may be designated in this Agreement shall not be deemed to be prohibited discrimination.

10. INDEPENDENT CONTRACTOR. In the performance of work, duties, and obligations under this Agreement, Monterey is at all times acting and performing as an independent contractor and not as an employee of MPUSD. No offer or obligation of permanent employment with MPUSD or particular MPUSD department or agency is intended in any manner, and Monterey shall not become entitled by virtue of this Agreement to receive from MPUSD any form of employee benefits including but not limited to sick leave, vacation, retirement benefits, workers’ compensation coverage, insurance or disability benefits.

11. NOTICES. Notices required under this Agreement shall be delivered personally or by first class, postage prepaid mail to MPUSD’s and Monterey’s contract administrators at the addresses listed below:

FOR MPUSD:
Monterey Peninsula Unified School District
Attn: Superintendent
700 Pacific Street
Monterey, California 93940

FOR MONTEREY:
Monterey Police Department
Attn: Chief of Police
351 Madison Street
Monterey, California 93940

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12. **MISCELLANEOUS PROVISIONS.**

12.01. **Conflict of Interest.** Monterey represents that it presently has no interest and agrees not to acquire any interest during the term of this Agreement which would directly or indirectly conflict in any manner or to any degree with the full and complete performance of the professional services required to be rendered under this Agreement.

12.02. **Amendment.** This Agreement may be amended or modified only by an instrument in writing signed by MPUSD and Monterey.

12.03. **Waiver.** Any waiver of any terms and conditions of this Agreement must be in writing and signed by MPUSD and Monterey. A waiver of any of the terms and conditions of this Agreement shall not be construed as a waiver of any other terms or conditions in this Agreement.

12.04. **Contractor.** The term "Monterey" as used in this Agreement includes Monterey's officers, agents, and employees acting on Monterey's behalf in the performance of this Agreement.

12.05. **Disputes.** Monterey shall continue to perform under this Agreement during any dispute. Monterey and MPUSD hereby agree to make good faith efforts to resolve disputes as quickly as possible. In the event any dispute arising from or related to this Agreement results in litigation or arbitration, the prevailing party shall be entitled to recover all reasonable costs incurred, including court costs, attorney fees, expenses for expert witnesses (whether or not called to testify), expenses for accountants or appraisers (whether or not called to testify), and other related expenses. Recovery of these expenses shall be as additional costs awarded to the prevailing party, and shall not require initiation of a separate legal proceeding.

12.06. **Successors and Assigns.** This Agreement and the rights, privileges, duties, and obligations of MPUSD and Monterey under this Agreement, to the extent assignable or delegable, shall be binding upon and inure to the benefit of the parties and their respective successors, permitted assigns, and heirs.

12.07. **Compliance with Applicable Law.** The parties shall comply with all applicable federal, state, and local laws and regulations in performing this Agreement.

12.08. **Headings.** The headings are for convenience only and shall not be used to interpret the terms of this Agreement.

12.09. **Time is of the Essence.** Time is of the essence in each and all of the provisions of this Agreement.

12.10. **Governing Law.** This Agreement shall be governed by and interpreted under the laws of the State of California.

12.11. **Nonexclusive Agreement.** This Agreement is nonexclusive and both MPUSD and Monterey expressly reserve the right to contract with other entities for the same or similar services at any time during the term of this Agreement.

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12.12. **Construction of Agreement.** MPUSD and Monterey agree that each party has fully participated in the review and revision of this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendment to this Agreement.

12.13. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.

12.14. **Authority.** Any individual executing this Agreement on behalf of MPUSD or Monterey represents and warrants hereby that he or she has the requisite authority to enter into this Agreement on behalf of such party and bind the party to the terms and conditions of this Agreement.

12.15. **Integration.** This Agreement, including the exhibits and any documents incorporated by reference, represent the entire Agreement between MPUSD and Monterey with respect to the subject matter of this Agreement and shall supersede all prior negotiations, representations, or agreements, either written or oral, between MPUSD and Monterey as of the effective date of this Agreement, which is the date that MPUSD signs the Agreement.

12.16 **Interpretation of Conflicting Provisions.** In the event of any conflict or inconsistency between the provisions of this Agreement and the Provisions of any exhibit or other attachment to this Agreement, the provisions of this Agreement shall prevail and control.

12.17 **Severability.** If any of the provisions contained in the Agreement are held illegal, invalid, or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability and indemnities shall survive termination of the Agreement for any cause. If a part of this Agreement is valid, all valid parts that are severable from the invalid part remain in effect. If a part of this Agreement is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

IN WITNESS WHEREOF, MPUSD and Monterey have executed this Agreement as of the day and year written on the first page herein.

**CITY OF MONTEREY**

By: [Signature]
City Manager

**Monterey Peninsula Unified School District**

By: [Signature]
Brett W. McFadden
Associate Superintendent, Business Services

T00001-CA (v. 1.0 - 04/19/2013)
SCHOOL RESOURCE OFFICER
SCOPE OF SERVICES

The PARTIES desire to set forth in this Exhibit the specific terms and conditions of the services to be performed and provided by the School Resource Officer (SRO) for the Monterey Peninsula Unified School District (MPUSD).

ORGANIZATION

City shall assign one regularly employed police officer to MPUSD to provide SRO services to the High School, Middle School and Elementary Schools located within the City of Monterey's jurisdiction. Selection of the SRO is at the sole discretion of the Chief of Police.

As an employee of the Police Department, the SRO is subject to the chain of command of his/her respective Police Department. In the performance of his/her duties the SRO shall coordinate and communicate with the principal or the principal's designee.

The SRO will monitor the police radio frequency when on and off campus, as well as be available by the Department issued cellular telephone. The SRO will have an office at the High School within its jurisdiction, established and provided by the MPUSD. The SRO shall maintain confidentiality of records to which he/she has access or possession.

It is understood and agreed the SRO's duties will include, but not be limited to:

Transporting Students:

- SRO shall not transport students in their personal vehicles. SRO shall not transport students in Police Department vehicles except:
  - When the students are victims of a crime, under arrest, or some other emergency circumstances exist; or
  - When students are suspended and/or sent home from school pursuant to school disciplinary actions, if the student's parent or guardian has refused or is unable to pick up the child within a reasonable time period and the student is disruptive/disorderly and his/her continued presence on campus is a threat to the safety and welfare of other students and school personnel.
  - SRO shall notify school personnel upon removing a student from campus.
  - In the event an SRO determines the need to arrest a student and take into custody, the SRO will provide the principal or designee the address and telephone number of the location where the student will be transported. The principal or designee will take immediate steps to notify one of the student's parents/guardians.

Documenting Activity:

- SRO will document activities of the SRO on and off campus, and provide a monthly report to the Police Department and to the Assistant Superintendent of Student Support Services with MPUSD. In the event another Police Officer responds to a school related call for service, he/she shall provide the requisite information to the
SRO for inclusion in the monthly report. The monthly reports shall include, by school site:

- The first, last name, date of birth of each student and identify one or more of the following types of contact and/or disposition (if applicable):
  - Arrested
  - By police on school sites for school related offenses.
  - By police on school sites for non-school related offenses.
  - By police off school sites for school related offenses.
  - Cited
  - By police on school sites for school related offenses.
  - By police on school sites for non-school related offenses.
  - By police off school sites for school related offenses.
- Searched
- Formally questioned
- Delinquency petitions filed
- Verbal warning or caution
- Date of the event and contact
- School Site
- Name of school official who referred the student or submitted the report

COMPLAINTS AGAINST THE SRO

- In accordance with California Penal Code Section 832.5, any complaint alleging misconduct or other questionable behavior on the part of the SRO must be immediately forwarded to the Monterey Police Department. The Monterey Police Department will investigate and respond to such citizen’s complaint pursuant to the requirements set forth in the California Penal Code and its own internal policies and procedures.
- A document outlining the Police Department's complaint process will be provided to MPUSD, for MPUSD staff to provide to a complainant. If the complaint is initiated by a MPUSD staff member, the staff member must also conform to MPUSD policies and practices regarding notification to the appropriate MPUSD designee.
- MPUSD shall not be entitled to any information from the SRO’s personnel file without a proper order of the Court following discovery pursuant to Sections 1043 and 1046 of the Evidence Code, nor shall MPUSD be entitled to any information obtained by the Monterey Police Department in its investigation of any citizen’s complaint or the ultimate disposition of any such complaint.

SRO MINIMUM TRAINING REQUIREMENTS

Within the first year of assignment, every School Resource Officer shall receive at least 40 hours of training, provided by their agency, and up to 10 hours of annual in-service training provided by the District in consultation with the Police Department of the following topics:

- Education Law - Discipline code and student privacy
- Child and adolescent development and psychology;
- Positive behavioral interventions and supports (PBIS), conflict resolution, peer mediation, de-escalation techniques, and/or other restorative justice techniques;
- Working with at-risk students (trauma, social isolation, drop-outs, behavioral,
etc.)
- Children with disabilities or other special needs; and
- Implicit bias and cultural competence.

The School Resource Officer shall be familiar with and trained in all programs adopting non-punitive approaches to discipline available in the school district. If a school has implemented a specific program designed to improve overall school climate or respond to student behaviors in specific ways, the SRO shall participate in all trainings associated with that program.
Attachment

Monterey PD Policy Manual

Monterey PD Policy Manual

4220 BWC-MAV Tagging Procedure.pdf
10250 Limited Duty Assignment
Prior 8501- Temporary.pdf
I. POLICY

It will be the policy of the Monterey Police Department to attempt to provide temporary, limited duty assignments for those employees with temporary physical limitations incurred as a result of an injury or illness.

A. As limited duty assignment opportunities are limited in number, preference will be given to those employees who are restricted due to workers’ compensation related injury or illness.

B. This directive does not create any obligation by the department to provide a limited duty assignment for an employee with an injury or illness.

C. When a physician places an employee on restricted or limited duty status, the employee’s supervisor will notify the appropriate section manager(s) prior to any limited duty assignment determination. A limited duty assignment of a Field Operations Division employee to the Administrative Services Division will not occur prior to notification and approval by that Division’s Captain.

II. STATION OFFICER - TEMPORARY

A. The temporary position of Station Officer is, hereby, created within the Police Department. An employee assigned to this position will typically be a sworn police officer or police sergeant. This position may be filled, as necessary, within the guidelines of this directive.

B. Typically, the Station Officer will be temporarily assigned to the Administrative Services Division to perform duties in the Records Section or other administrative support functions as assigned. When this occurs, the assigned employee will generally report to and be supervised by the Records Supervisor. The Records Supervisor is responsible for the day-to-day supervision of such employee. In the absence of the Records Supervisor and other Administrative Services Division management staff, the assigned employee will report to the on-duty Field Supervisor.

C. The Records Supervisor shall keep the Administrative Services Division Commander informed on all issues pertinent to the employee’s job performance, as well as those related to their medical condition. As appropriate, the Administrative Services Division Commander shall apprise the Field Operations Division Commander of any relevant information.

D. The employee’s original Division Commander shall retain primary
responsibility for all issues regarding the employee’s medical condition.

E. The Station Officer assignment will be reviewed every thirty (30) days by the employee’s original Division Commander or their designee. During this review, the assigned employee will be expected to provide the Department an update on his/her medical condition.

III. LIMITED DUTY CIVILIAN – TEMPORARY

Civilian personnel may be assigned to a limited duty assignment within the guidelines of this directive.

IV. PERSONNEL INVOLVED / RESTRICTIONS

A. Sergeants/Officers

1. All sworn personnel of the rank of Sergeant and below who are unable to perform their regular duties because of a workers’ compensation related injury or illness may be assigned as Station Officer at the discretion of the Police Chief.

2. Those who are unable to perform their regular duties because of an injury or illness that is not job related, and who would otherwise be required to use extended leave time, may request of the Police Chief, through their chain of command, for consideration for assignment to this position.

B. Lieutenants/Captains: All personnel of the rank of Lieutenant or higher may be assigned administrative duties by the Police Chief in lieu of assignment as Station Officer when they fall into the physical limitation categories indicated in "A.1" or "A.2" above.

C. Civilian Personnel: Civilian personnel may be assigned to a Limited Duty Assignment by the Police Chief when they fall into the physical limitation categories indicated in “A.1” or “A.2” above.

D. Restrictions: No person will be considered for such assignment who has been declared a potential carrier of a communicable disease, who has been diagnosed with a restricting psychological disability, or whose physician, with the concurrence of a City designated medical authority as may be required, has declared the employee unfit to perform the limited duties involved.

V. ASSIGNMENT TO OTHER CITY DEPARTMENTS – TEMPORARY

Employees who are unable to perform their regular duties because of a workers’ compensation related injury or illness may, on occasion, be temporarily assigned to other City departments in a limited duty capacity. These placements will ordinarily be coordinated through the Personnel Department.
VI. DUTIES / STATION OFFICER

A. The Station Officer may be assigned to perform the following duties:

1. Receive and process routine counter reports.
2. Assist the public at the front counter and on the telephone.
3. Operate computer terminals in Records.
4. Confirm mechanical defect corrections on vehicles.
5. Fingerprint persons for licenses and other permits.
6. Look up requested information.
7. Do telephone follow-up on criminal cases.
8. Handle community relations tasks as assigned.
9. Perform other "station" tasks as assigned by the Records Supervisor, Field Supervisor (with prior concurrence of the Records Supervisor), or Administrative Services Division Commander.

B. The Station Officer shall NOT perform the following:

1. Participate in any physical arrest or restraint activity, except as necessary in defense of life, if it may result in further or aggravating injury.
2. Participate in any booking process which may become dangerous.
3. Accompany other officers during "field" activities.
4. Any physical act prohibited by physician(s).

VII. DUTIES / OTHER LIMITED DUTY ASSIGNMENT

A limited duty assignment, other than Station Officer, will be defined at the time of assignment.

VIII. SCHEDULE

A. Work Week

1. Employees will work five (5) days per work week (Sunday-Saturday), each work day consisting of eight (8) hours. Limited duty assignments
that are workers’ compensation related may not necessarily be bound by these 5/8 schedule parameters depending upon a treating physician’s restrictions.

2. The week may begin on Sunday, Monday or Tuesday as needed.

B. Work Day

1. The employee’s limited duty schedule will typically be set by the Records Supervisor with the concurrence of the Administrative Services Division Commander.

2. The schedule will be set based upon the needs of the department and, as appropriate, the employee.

C. Physician Appointments and Physical Therapy Sessions

1. Typically, for worker’s compensation related injuries and illnesses, employees will be required to schedule physician appointments and physical therapy sessions outside their limited duty work schedule. If such scheduling is not possible, then the employee will be required to flex their work schedule to accommodate their appointment/session. These requirements may be modified, based upon a treating physician’s recommendations.

2. For injuries and illnesses that are not job related, employees will be required to schedule such appointments outside their regular limited duty work schedule or, if unable to do so, they may utilize the appropriate accrued leave time.

3. Issues or conflicts arising from either “C.1” or C.2” above may be resolved through the Administrative Services Division Commander.

4. Whenever an employee plans on visiting a treating physician or attending a physical therapy session during their regular limited duty work schedule, they must first seek and be granted approval from the Records Supervisor or Administrative Services Division Commander.

5. Each time that the employee visits a physician* or a physician changes, modifies, or renews an employee’s duty status, the employee shall ensure that a department approved Release for Duty form is completed by the physician. The Release for Duty shall then be returned to the employee’s supervisor or another in the chain of command at the earliest opportunity, and in every instance within 24 hours of the physician visit. The supervisor shall immediately forward the Release for Duty to the Administrative Assistant. The supervisor shall communicate via email all relevant information to their manager with a
copy to the Division Commander.

* For the purposes of Release for Duty requirements, “physician” includes physicians and surgeons, psychologists, acupuncturists, optometrists, dentists, podiatrists, and chiropractic practitioners licensed under California state law. Physical therapy visits typically do not require that a Release for Duty form be completed.

D. Rest and Meal Breaks: All such breaks will take place at the Police Department, unless prior approval has been obtained from the Records Supervisor.

E. Duration of Schedule: The Police Chief may, without prior notice, remove an employee from any limited duty assignment when:

1. The employee assigned is released by a physician to full duty.
2. The employee assigned can no longer perform the duties safely due to a physical condition.
3. The employee assigned is unlikely to return to regular duty.
4. The employee’s temporary assignment is no longer deemed to be in the best interest of the department.
5. The officer assigned is not properly performing their duties or assigned tasks as required.

IX. UNIFORM

A. Station Officer: Notwithstanding other provisions of the Rules and Regulations and the Directives concerning the wearing of uniform components and the carrying of items of equipment, the Station Officer shall carry only a personal firearm, either regular duty or approved off duty weapon, and an approved container of OC spray, each one in its proper holster worn on the trouser belt. A key snap and ring of keys is also permissible, but not required.

B. Other Assignments: Those assigned to limited duty assignments other than Station Officer will adhere to the Uniform Directive.

ORIGINAL: February 1985
REVISED: Sept. 1987
July 1994
July 1997
May 1999
Sept. 2000
April 2001

___________________________
Gary E. Brown, Chief of Police
I. POLICY

It shall be the policy of the Department that Police Officers and Police Services Technicians shall have the authority to certify the correction of equipment violations of the California Vehicle Code (CVC) issued on a Notice to Appear form by any California law enforcement agency.

The authority to certify the correction of an equipment violation is pursuant to CVC Section 40616(c), which states, in part:

"Any person willfully violating a written promise to correct or willfully failing to deliver proof of correction of violation is guilty of a misdemeanor. Proof of correction may consist of a certification by an authorized representative of one of the following agencies that the alleged violation has been corrected:

(c) Any violation may be certified as corrected by a police department, the California Highway Patrol, sheriff, marshal, or other law enforcement agency regularly engaged in enforcement of the Vehicle Code."

II. PROCEDURE

A. A $7.00 service fee shall be collected and receipt issued by a Support Division employee at the Records counter prior to certifying a Notice to Appear for a corrected equipment violation.

B. Police Department employees shall verify that the service fee was paid prior to inspecting the equipment on the vehicle.

C. The repair shall be inspected to ensure that the equipment is in proper working condition and is not a temporary fix. Employees shall review the appropriate CVC section in order to know what is required for the equipment to meet standards. Employees shall contact the Watch Commander for guidance if there are any questions regarding what constitutes proper working condition.

There are certain violations of the CVC that are correctable only by a DMV employee or a representative of the court. Examples of these violations include vehicle registration and insurance requirements.
D. If the repaired equipment does not pass inspection, the employee should write their name, the date and "Did Not Pass Inspection" on the receipt. The employee shall advise the person to bring the original receipt back after the vehicle is properly repaired to avoid paying another fee.

E. Persons who need immediate assistance due to an impending court date may be referred to the agency that issued the citation or the local Highway Patrol Office if no one is available to inspect the corrected equipment.

TIM SHELBY
Chief of Police

Original: November 2002
Revised: August 2007
the RGs.
MONTEREY POLICE DEPARTMENT: PROCEDURE 3080 (Prior Directive # 09-02)

Project R.O.P.E.
MONTEREY POLICE DEPARTMENT
PROCEDURE 3080 (Prior Directive # 09-02)
Project R.O.P.E.
Navy MOU 02-22-2019 Ag-7569.pdf
MEMORANDUM OF UNDERSTANDING
BETWEEN
COMMANDER, NAVY REGION SOUTHWEST
NAVAL SUPPORT ACTIVITY MONTEREY
AND
CITY OF MONTEREY POLICE DEPARTMENT

Subj: LAW ENFORCEMENT SUPPORT

Ref: (a) NTTP 3-07.2.1, Antiterrorism
     (b) NTTP 3-07.2.3, Law Enforcement and Physical Security for Navy Installations
     (c) USFF OPORD 3300-17
     (d) DODI 3025.21, Defense Support of Civilian Law Enforcement Agencies

1. Purpose. This Memorandum of Understanding (MOU) delineates law enforcement protocol between Commander, Navy Region Southwest (CNRSW) on behalf of Naval Support Activity Monterey, California (NSAM) and the City of Monterey Police Department (MPD) relating to the response to criminal and/or terrorist incidents at NSAM including, but not limited to, active shooter, hostage situations, bomb threat or detonation, and any other attack, as requested by NSAM. The provisions of this document are intended to facilitate and promote an atmosphere of mutual cooperation between NSAM and the MPD to respond to such events, and includes training between NSAM and MPD to ensure such readiness.

2. Background. NSAM is located within the jurisdictional boundaries of the MPD. References (a) through (d) encourage the establishment of an MOU with state and local authorities.

3. Jurisdiction. As to criminal offenses committed upon lands of NSAM, the United States and the State of California have concurrent jurisdiction. Under concurrent jurisdiction, the Federal and State Governments each have the right to exercise concurrently all of the same authority. Specifically, the Federal and State Governments each have the right to investigate and prosecute violations of Federal and State law, respectively. In addition, the Federal Government may prosecute violations of state law under the Assimilative Crimes Act (18 U.S.C. § 13).

4. Responsibilities.

Agreement #: Ag-7569 - Page 1 of 5
Subj: LAW ENFORCEMENT SUPPORT

a. CNRSW and NSAM will:

(1) Determine the need for assistance from MPD or other law enforcement agencies at the installation level.

(2) Contact the MPD Watch Commander (through Monterey County Communications or directly) to request assistance, advise of the circumstances of the incident, and the location to which personnel should respond.

(3) Have no police authority outside NSAM property.

(4) Enforce federal and state criminal laws on NSAM property.

(5) Call upon MPD for assistance on NSAM property for incidents that constitute an emergency, or are likely to significantly disrupt the flow of vehicular and pedestrian traffic on or contiguous to NSAM property, or require extensive law enforcement related assistance.

(6) Respond when requested by MPD.

b. MPD:

(1) May enforce all state and local criminal laws on NSAM property as in any other area of Monterey, but will, to the greatest degree practical, coordinate with NSAM Police Department concerning any law enforcement function onboard NSAM.

(2) Will notify NSAM Police Department if state or federal law violations are reported to MPD while occurring on NSAM property.

(3) Will respond to NSAM at the sole discretion of the Monterey Police Chief or the Chief’s designee, depending on the availability of personnel and any need to deploy personnel elsewhere. Upon receipt of NSAM request, the MPD Watch Commander will, dependent on the exigency of the circumstances, determine whether to immediately send MPD resources or to contact the Police Chief or the Chief’s designee and relay the request. MPD may also contact other law enforcement agencies per existing Mutual Aid protocols to obtain resource commitments and assign stand-by positions.

(4) The Police Chief or the Chief’s designee will be solely responsible for determining, the number and type (e.g., Police Officers, SRU (SWAT)) of MPD personnel, if any, to be deployed to NSAM.

c. Criminal Acts. Both parties acknowledge that NSAM has primary cognizance of criminal acts that come under the jurisdiction of the Uniform Code of Military Justice (UCMJ). With regard to criminal acts that come within the jurisdiction of either state or federal laws, other than the UCMJ, both parties acknowledge the primacy of each party’s jurisdictional competence, and will give comity and political courtesy to and cooperation with the desires of the other party, as to which jurisdiction will ultimately assume criminal investigation.
d. Operational Command. All MPD personnel deployed to NSAM will be under the operational command of the MPD, unless the Police Chief or the Chief's designee determines otherwise (i.e., Unified Command, etc.)

e. Training. An NSAM installation point of contact will work with the MPD point of contact to coordinate training exercises at NSAM to prepare for potential incidents covered by this MOU, as time and resources allow and at the discretion of both entities.

5. Changes. Changes may be made to this agreement by mutual written consent of both parties and will be recorded and published as addenda to this agreement.

6. Termination and Expiration. This agreement may be terminated at the discretion of either party to the MOU upon 30 days prior written notification to the other party. This agreement will remain in effect for nine years and will be reviewed triennially.

7. Complaints

   a. In the event that a complaint of improper conduct is lodged against a member of the MPD, in accordance with California Penal Code Section 832.5, the complaint shall be immediately forwarded to the MPD Watch Commander. The MPD will investigate and respond to any citizen complaints pursuant to the requirements set forth in the California Penal Code and MPD's internal policies and procedures. NSAM shall only be entitled to any information from the MPD member's personnel file in accordance with all applicable federal and/or state laws.

   b. In the event that a complaint of improper conduct is lodged against a member of NSAM, NSAM will conduct the investigation regarding their member. The same limitation regarding information sharing of an investigation and final disposition of complaints applies.

   c. All parties agree to cooperate in any such investigation.

   d. Any discipline will be the responsibility of the employing agency.

8. Insurance. Each signatory to this MOU is a government official of the government agency he/she represents. Each agency is either self-insuring for tort liability and property damage and/or it has and maintains, at its sole cost and expense, worker's compensation and general liability insurance.

9. Immunities

   a. Nothing in this MOU shall be read as waiving or limiting any defense to claims of liability otherwise available to law enforcement officers and/or public employees, such as the defense of qualified immunity. Nothing in this MOU shall be read as intending to create or creating a higher duty of care on the part of any party or its officers, agents and employees than would otherwise exist under existing law and the involved party's own policies, practices, and procedures.

   b. Personnel assigned to perform services under this MOU shall be deemed to be continuing under the employment of their respective employers, and shall continue to have the same powers,
duties, privileges, responsibilities, and immunities as are conferred upon them as peace officers or
public employees in their own jurisdictions.

10. **Records.** Parties to this MOU and their officers, employees, agents, and sub-contractors
shall comply with any and all federal, state, and local laws which provide for confidentiality of
records and other information. Neither party shall disclose any confidential records or other
confidential information received from the other party or prepared in connection with the
performance of this MOU unless the other party specifically permits such disclosure of records or
information or such disclosure is specifically required by law.

11. **Compliance with Applicable Laws.** All parties shall comply with all applicable federal,
state and local laws, and regulations in regards to this MOU.

12. **This MOU is not an Employment Agreement.** This MOU is an agreement for the provision
of professional law enforcement services. No offer or obligation of permanent employment with
either the City of Monterey or the Department of the Navy, other than the provision of services
under the terms and conditions of this MOU, is intended or implied in any manner by this MOU.
No employee shall become entitled, by virtue of the provisions of this MOU, to any form of
employment benefits from the City of Monterey or the Department of the Navy (such as worker’s
compensation, retirement benefits, health care, unemployment and/or disability).

13. **No Third Party Rights.** The parties do not intend the benefits of this MOU to apply to any
third person who is not a signatory to it. Therefore, this MOU shall not be construed or deemed in
any way to be an MOU for the benefit of any third party or parties, and no third party or parties
shall have any right of action under the MOU, or for any cause whatsoever. Any service
performed or any expenditure made in connection with the furnishing of these services under the
terms and provisions of this MOU shall be conclusively deemed to be for the direct protection and
mutual benefit of the parties.

14. **Other Provisions**

a. Nothing in this agreement is intended to conflict with current law, regulation, or the
directives of the United States Navy or Department of Defense. If a term of this agreement is
inconsistent with such authority, then that term shall be invalid, but the remaining terms and
conditions of this agreement shall remain in full force and effect.

b. Nothing in this agreement is intended to conflict with current law, regulation, or the
directives/policies of the City of Monterey Police Department. If a term of this agreement is
inconsistent with such authority, then that term shall be invalid, but the remaining terms and
conditions of this agreement shall remain in full force and effect.

c. This MOU replaces all previous agreements relating to the response to criminal and/or
terrorist incidents at NSAM between NSAM and the City of Monterey, including the MOU
between the Naval Postgraduate School Security Department and the City of Monterey California
Police Department, dated February 21, 1991.

15. **Effective Date.** This MOU will become effective on the date of the last signature.
Subj: LAW ENFORCEMENT SUPPORT

HANS UBLAR
City Manager
Monterey, CA

NICK MALLARI
CNRSW Comptroller
Date 2/21/19

J. STUYVESANT
CNRSW Executive Director
Date 2/22/19
OFFICER ENTRY INTO OTHER LAW ENFORCEMENT JURISDICTIONS
MONTEREY COUNTY LAW ENFORCEMENT AGENCIES

PURPOSE

The nature of undercover investigations and the proliferation of task and teams involve in cross-jurisdictional surveillance emphasize the importance of an accepted protocol for inter-agency notifications. Equally important is the need for recognized procedures in the event of field contact or confrontation between uniformed and plainclothes officers.

This agreement addresses these two issues: a protocol for the notification of planned events in another agency’s jurisdiction, and; suggested procedures to follow in situations involving a field contact or confrontation between undercover officers and uniformed personnel.

DEFINITIONS

1. **Service Agency**

   The law enforcement agency initiating an investigation or planned event which enters another agency’s jurisdiction.

2. **Venue Agency**

   The law enforcement agency having primary responsibility for the delivery of police services in a geographical area.

3. **Planned Event**

   A law enforcement activity which can be/is planned in advance, such as the service of a search or arrest warrant, a money or narcotics show, a protracted surveillance, etc.

NOTIFICATIONS

Prior to a planned event, the service agency shall notify the venue agency, in a timely manner, of the proposed event. Notification will normally be to the venue agency’s watch commander. Such notification should include:

1. The time and location of the planned event and the names of the involved persons, if applicable.

2. The nature of the planned event, i.e., search warrant, etc.

3. An assessment of the potential for problems.
4. What assistance, if any, is or may be requested of the venue agency.

Once received, the venue agency is responsible for:

1. Maintaining the confidentiality of the information.
2. Any intra-departmental notifications which they deem appropriate.
3. Providing reasonable assistance, if requested.

At the conclusion of the event, the service agency shall make an exit notification to advise of the event’s termination, if possible, this notification should be to the same individuals or their relief. Should the event result in a noteworthy incident, i.e., a large seizure, arrest of a notable person, this information shall likewise be conveyed to the venue agency. Press notifications should be handled by the service agency or jointly.

FIELD CONTACT/CONFRONTATIONS

Because plainclothes/undercover officers are not readily identifiable as law enforcement members, contacts between them and uniformed personnel include the potential for confrontations. The primary responsibility for avoiding or defusing this rests lies with the non-uniformed officer(s).

Their actions and deportment when contacted by a uniformed officer is critically important. The following suggestions are intended to assist in avoiding or alleviating the tension possible in such contacts, The plainclothes officer should:

1. Carry his/her firearm well concealed, rather than partially or completely exposed to view.
2. When stopped, identify themselves verbally and indicate where credentials and weapons are located.
3. Follow the instructions of the uniformed officer explicitly.
4. Avoid any sudden movement which could be interpreted as suspicious or threatening. Keep hands in sight and open.
5. Comply with any requests of the uniformed officer without hesitation.
6. Be prepared to provide the phone number and name of a supervisor or other agency member who may be contacted for verification as requested by uniformed officer.

The uniformed officer’s conduct and department in such situation will go far in preventing lingering feelings of animosity. A concern for one’s safety is of primary importance and reasonable requests
intended to provide for that safety will be understood. However, unusual requests or unreasonable
tactics tend to generate resistance and should be avoided.

The uniformed officer should:

1. Ensure that verbal instructions are clear and concise.
2. Request credentials and examine them thoroughly.
3. Contact the plainclothes officer’s unit of assignment when there are doubts as to the
   authenticity of credentials.
4. Request that a uniformed field supervisor respond, should circumstances dictate.

Law enforcement agencies in the counties of Santa Cruz, Santa Clara, San Benito and Monterey, as
well as the State Drug Enforcement Agency, are being asked to adopt these mutually beneficial
policies.

The following jurisdictions within Monterey County agree to incorporate these procedures within
their respective departments:

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<tr>
<th>Agency</th>
<th>Department Head/Designate Signature</th>
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<td>C.S.U.M.B. Police Department X</td>
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<td>District Attorney X</td>
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<tr>
<td>Monterey County Sheriff’s Office X</td>
<td></td>
</tr>
<tr>
<td>Marina Department of Public Safety X</td>
<td></td>
</tr>
</tbody>
</table>

3
<table>
<thead>
<tr>
<th>Monterey Police Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pacific Grove Police Department</td>
</tr>
<tr>
<td>Monterey County Probation Department X</td>
</tr>
<tr>
<td>Salinas Police Department X</td>
</tr>
<tr>
<td>Salinas Valley State Prison X</td>
</tr>
<tr>
<td>Sand City Police Department X</td>
</tr>
<tr>
<td>Seaside Police Department</td>
</tr>
<tr>
<td>Soledad Police Department</td>
</tr>
<tr>
<td>Soledad Correctional Training Facility</td>
</tr>
</tbody>
</table>
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I. Rank and Other Uniform Insignia

<table>
<thead>
<tr>
<th>Rank</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief</td>
<td>Four (4) gold stars on each side of shirt/jacket collar placed so that the</td>
</tr>
<tr>
<td></td>
<td>single point of the innermost star is facing upward in such a manner that the</td>
</tr>
<tr>
<td></td>
<td>ridge bisecting this point will be parallel to the front edge of the collar.</td>
</tr>
<tr>
<td></td>
<td>Stars shall be centered between the top and bottom edge of the collar and</td>
</tr>
<tr>
<td></td>
<td>the center of the front star shall be 1” from the front edge of the collar.</td>
</tr>
<tr>
<td>Assistant Chief</td>
<td>Three (3) gold stars on each side of shirt/jacket collar Placed so that</td>
</tr>
<tr>
<td></td>
<td>the single point of the innermost star is facing upward in such a manner that</td>
</tr>
<tr>
<td></td>
<td>the ridge bisecting this point will be parallel to the front edge of the</td>
</tr>
<tr>
<td></td>
<td>collar. Stars shall be centered between the top and bottom edge of the</td>
</tr>
<tr>
<td></td>
<td>collar and the center of the front star shall be 1” from the front edge of</td>
</tr>
<tr>
<td></td>
<td>the collar.</td>
</tr>
<tr>
<td>Lieutenant</td>
<td>Single gold bar on each side of the shirt/jacket collar. The front edge of</td>
</tr>
<tr>
<td></td>
<td>the bar shall be centered, ¾” from, and parallel with the front edge of the</td>
</tr>
<tr>
<td></td>
<td>collar. Single bar on each shoulder of the field jacket, with the outer edge</td>
</tr>
<tr>
<td></td>
<td>of the bar 5/8” above and parallel to the sleeve seam, centered over the</td>
</tr>
<tr>
<td></td>
<td>shoulder seam.</td>
</tr>
<tr>
<td>Sergeant</td>
<td>One blue/gold triple chevron on each sleeve of shirt/jacket Centered ¼”</td>
</tr>
<tr>
<td></td>
<td>below the shoulder patch</td>
</tr>
<tr>
<td>Service Stripes</td>
<td>Required for long sleeve shirts. Represents every five years of law enforcement service. Must be worn on the left sleeve with lower edge of the bottom stripe ½” above the cuff. Multiple service stripes shall be cut from a single contiguous set (may not be individually added).</td>
</tr>
<tr>
<td>Shoulder Patches</td>
<td>Displayed on both sleeves of shirt and cold weather jacket. Patch will be centered on middle line of shoulder, ¼” below shoulder seam.</td>
</tr>
</tbody>
</table>

COMMENDATION AND AWARD BARS

<table>
<thead>
<tr>
<th>Bar</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commendation Bars</td>
<td>Must be centered above the nameplate (right side of uniform shirt) - provided by the department based on the commendation(s)/award(s) received.</td>
</tr>
</tbody>
</table>

INSIGNIA PINS

<table>
<thead>
<tr>
<th>Pin Description</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>FTO Pin</td>
<td>Blackinton Silver on Black (<a href="http://www.epolicesupply.com">www.epolicesupply.com</a>) Style A4560M - F.T.O.</td>
</tr>
<tr>
<td></td>
<td>Clutch Back / Metal Border Finish - Rhodium May be worn while an active member of the FTO program.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th><strong>SRU Pin</strong></th>
<th>Pin - replica of SRU patch - provided by SRU. May be worn while an active member of SRU</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CIT Pin</strong></td>
<td>Silver or gold pin (match color of badge) with letters CIT provided upon completion of CIT program. May be worn after graduation from CIT program.</td>
</tr>
<tr>
<td><strong>EMT Pin</strong></td>
<td>Silver or gold pin (match color of badge / gold for PST class) Round “Star of Life” pin with Emergency Medical Technician. May be worn while currently qualified as an EMT.</td>
</tr>
<tr>
<td><strong>SPST Pin</strong></td>
<td>Gold pin - letters SPST May be worn by Senior Police Services Technicians</td>
</tr>
<tr>
<td><strong>US Flag Pin</strong></td>
<td>Blackinton or Equivalent</td>
</tr>
</tbody>
</table>

Revised 11/01/2021
## II. Sworn Uniforms & Equipment

### 1. Sworn Patrol Uniform- All Ranks (Member Responsibility)

<table>
<thead>
<tr>
<th><strong>Shirt</strong></th>
<th>Elbeco, Flying Cross, or Equivalent</th>
</tr>
</thead>
</table>
| Elbeco | Color: LAPD blue  
Male: Long Sleeve 437 / Short Sleeve 4237  
Female: Long Sleeve 537 / Short Sleeve 5237 |
| Flying Cross | Color: LAPD blue  
Male: Long Sleeve 20W9586 / Short Sleeve 70R9586  
Female: Long Sleeve 120W9586 / Short Sleeve 170R9586 |

*Shirts may be either 100% wool, a synthetic blend (such as polyester/rayon), or a blend of wool and synthetic material. Personnel shall have one Class A Uniform – 100% wool long sleeve shirt and 100% wool pants.*

<table>
<thead>
<tr>
<th><strong>Pants</strong></th>
<th>Flecheimer, Horace Small, or Equivalent</th>
</tr>
</thead>
</table>
| Color: LAPD blue  
Male: 32289  
Female: 35289 |

*Pants may be either 100% wool, a synthetic blend (such as polyester/rayon), or a blend of wool and synthetic material. Personnel shall have one Class A Uniform – 100% wool long sleeve shirt and 100% wool pants.*

<table>
<thead>
<tr>
<th><strong>Cargo Pants</strong></th>
<th>Flying Cross Deluxe Tactical Cargo Pant or Equivalent</th>
</tr>
</thead>
</table>

| **Undershirt** | Black crew neck t-shirt, in good condition and not faded to reflect any color other than black. |
| **Socks** | Black |
| **Shoes** | Black, plain toe, capable of holding a shine. Main body shall be leather or similar material, while the upper portion shall be leather, nylon, or a similar material. Athletic shoes are not permitted. |
## 2. Sworn Patrol Uniform - All Ranks (Department Provided)

<table>
<thead>
<tr>
<th>Item</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ballistic Vest</strong></td>
<td>American Body Armor / Extreme X / LPS Tactical / Angel Armor&lt;br&gt;Ballistic vest shall be worn per manufacture design and specifications. Level II threat</td>
</tr>
<tr>
<td><strong>Load Bearing Vest (LBV)</strong></td>
<td>The Vestman or Angel Armor RUC&lt;br&gt;Vestman – LBV will hold ballistic panels. Pouches are sewn onto the vest to hold equipment. Color: Navy Blue&lt;br&gt;Angel Armor RUC – LBV will hold ballistic panels. Pouches are attached with a molle system. Pouches with visible retention strings and visible Velcro are not authorized. Color: Navy Blue. Order - reference memo 21-046&lt;br&gt;Department will purchase first vest, sworn personnel will purchase additional vests.</td>
</tr>
<tr>
<td><strong>Nameplate</strong></td>
<td>Reeves #50LE jacket name badge (Command Staff)&lt;br&gt;Last name only, capitalized&lt;br&gt;½ inch by 2 ¼ inches&lt;br&gt;Gold bar with black lettering, dual grips, satin&lt;br&gt;Reeves #50LE uniform name badge (Sergeant and Officer Rank)&lt;br&gt;Last name only, capitalized&lt;br&gt;½ inch by 2 ¼ inches&lt;br&gt;Silver bar with blue lettering, dual grips, satin&lt;br&gt;<a href="https://www.reevesnamepins.com/law.asp">https://www.reevesnamepins.com/law.asp</a></td>
</tr>
<tr>
<td><strong>Cloth Name Tag</strong></td>
<td>Ripstop Black Fabric Strips Sew On (Militarynames.com)&lt;br&gt;Lettering Thread Color: Gold&lt;br&gt;Lettering Size: ¾” Lettering (Standard)&lt;br&gt;Format of Lettering: All Capital Lettering&lt;br&gt;*Order three sets</td>
</tr>
<tr>
<td><strong>Tie</strong></td>
<td>Black, clip-on, with plain gold (Command Staff) or silver (Sergeant and Officer) colored tie bar</td>
</tr>
<tr>
<td><strong>Rain Jacket</strong></td>
<td>Black/Lime Green reversible</td>
</tr>
<tr>
<td><strong>Reflective Vest</strong></td>
<td>“Police” in black lettering on either the front and/or back side&lt;br&gt;Cloth Monterey Police badge left side above pen pocket</td>
</tr>
<tr>
<td><strong>Dress Cap</strong></td>
<td>8-point dress hat. LAPD Blue&lt;br&gt;Gold “P” plastic button on sides (silver for Sergeant and Officer). Band black for officer and silver for sergeant rank. Cap badge to be worn on front of cap - gold for command, silver for officer/sergeant.</td>
</tr>
<tr>
<td><strong>Gas Mask</strong></td>
<td>US / Model 5073&lt;br&gt;Black in Color</td>
</tr>
<tr>
<td><strong>BDU: Shirt/Pants</strong></td>
<td>Ripstop, Propper or equivalent&lt;br&gt;Color: Black, 2-pocket</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Name Tag embroidered: black tape with gold letters directly above left front pocket. Gold Monterey cloth Police badge patch. Black with gold embroidered “POLICE” patch on back of shirt.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ballistic / Riot Helmet</strong></td>
</tr>
<tr>
<td><strong>Carry Bags</strong></td>
</tr>
</tbody>
</table>

### 3. Sworn - Police Equipment (Department Provided)

| **Duty Belt** | Bianchi Accumold or Equivalent  
Black basketweave in appearance, 2 ¼” inch wide  
Top and bottom edge will be rounded and polished  
Silver or Gold colored buckle worn on the outer belt or plastic clip buckle |
|---|
| **Pistol** | Glock 17, Gen 4  
.9mm  
*Officers issued Sig 226 may carry it until January 2023 |
| **Holster** | Safariland 6360 or an approved holster by the Range Master  
Black / Basket Weave |
| **Baton/Asp Holster** | ASP Steel Disc Loc 26” collapsible baton and/or  
26” or 29” straight Wooden mahogany  
Holder: Shall be black and consistent with a basketweave design |
| **OC/Holder** | OC: First Defense MK-4 3.0 OZ  
Holder: Black leather in appearance basket weave design |
| **Magazine Pouch** | Bianchi or Equivalent  
One double magazine carrier (may be worn vertical or horizontal) |
| **Handcuffs / Case** | Peerless nickel finish (issued 2) or Equivalent  
Case shall be black leather basketweave appearance and made to accommodate either one or two pair of peerless handcuffs |
| **Radio/Holder** | • Motorola APX 8000 radio  
• Radio Holder – Motorola leather or clip. Also any basket weave style radio holder that will hold the Motorola APX 8000 Radio.  
• Charger – Motorola radio charger  
• Motorola Microphone, Standard Speaker (optional) |
| **Taser** | Taser X26P – yellow  
Must wear to the opposite side of the pistol. May carry extra cartridge.  
Holster black basket weave or equivalent. |

*All leather gear should be black basketweave leather. All gear should be kept in good appearance and the belt accessories shall have hidden snaps.*
4. Sworn - Police Equipment (Optional)

| Cold Weather Jacket | Blauer Cruiser Gortex Jacket or Equivalent  
Black, Style 9010Z or 9910Z (other styles must be approved by Chief)  
Nameplate to be affixed to the outside right breast pocket  
Gold Monterey Police cloth badge above left breast pocket.  
Patches – one Monterey Police patch on each arm  
Blauer Cruiser Gortex Jacket or Equivalent  
Black, Style 9010Z or 9910Z (other styles must be approved by Chief)  
Nameplate to be affixed to the outside right breast pocket  
Gold Monterey Police cloth badge above left breast pocket.  
Patches – one Monterey Police patch on each arm  
Elbeco or Equivalent  
Black, Summit Style 3920 (other style must be approved by COP)  
Nameplate to be affixed to the outside right breast pocket  
Gold Monterey Police cloth badge above left breast pocket.  
Patches – one Monterey Police patch on each arm  
Mocean Style 6070R, Black - Tech waterproof bike jacket with removable liner.  
|  
| Gloves | Black – leather or neoprene or similar man made material. Five finger style.  
|  
| Baseball Cap | Black in color, either flexfit or snap adjustment. Full material shell covering.  
Silver embroidery lettering on front  
“Monterey Police” – all capital lettering above the Police Badge  
Embroidering at Federico's  
|  
| Dress Jacket | Police LAPD blue, front zipper Eisenhower type  
Gold “P” police style buttons on the pockets and arm buttons  
½” royal blue lower sleeve band for Command Staff (silver for Sergeant and Officer)  
|  
| Other Holders | CPR Mask - leather basket weave  
Latex glove case – similar to leather / basketweave  
Flashlight holder – similar to leather / basketweave or ring  
Tourniquet holder - similar to leather / basketweave design  
|  

Revised 11/01/2021
### 5. Special Event Uniform/Bicycle Patrol Uniform

| Shirt | Vertx Style #VTX4000P (short sleeve) or Style #VTX4020 (long sleeve)  
Color: Navy  
Blauer Style #8133 (short sleeve) or Style #8143 (long sleeve)  
Color: Dark Navy with Royal Blue  
**5.11 Bike Patrol Polo Style #71322** (short sleeve)  
Color: Royal Blue  
Nametag: Embroidery - Last name / Silver (Melco font)  
Badge - Silver embroidered Monterey Police badge  
Gold for Command Staff  
Silver for Sergeant and Officer  
Patches – one Monterey Police patch on each arm  
Back - Embroidery “POLICE” / Black  
NOTE: The Royal Blue polo replaces the Yellow Polo. The Yellow Polo will not be authorized after 12-31-2022. |
|---|---|
| Pants | **5.11 Style #45502** or equivalent  
Color: Dark Navy |
| Shorts | **5.11 Style #45502** or equivalent  
Color: Dark Navy |
| Undershirt | Black crew neck t-shirt, in good condition and not faded to reflect any color other than black. |
| Jacket: | - Blauer Style 9010Z or 9910Z, Black - Cruiser Gortex Jacket.  
- Elbeco Style 3920, Black - Summit  
- Mocean Style 6070R, Black - Tech waterproof bike jacket with removable liner.  
- **5.11 Bike Patrol Jacket Style # 45801**, Royal Blue  
Blauer Techlite Bike Jacket Style, 360, Royal Blue  
Badge - Silver embroidered Monterey Police badge  
Gold for Command Staff  
Silver for Sergeant and Officer  
Patches – one Monterey Police patch on each arm |
| Socks | Black |
| Shoes | Black athletic shoes (plain without graphics) |
| Equipment | Helmet – Black with “POLICE” white lettering on both sides  
Glasses – safety glasses that include dark and clear lense  
Gloves – bicycle gloves  
Duty Belt – same as patrol |

*Officers may wear a standard patrol uniform with a high visibility traffic control vest as an optional special event uniform.*

Revised 11/01/2021
### III. Sworn - Special Assignment Uniforms

#### 1. Community Action Team Uniform

<table>
<thead>
<tr>
<th>Item</th>
<th>Specifications</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shirt</strong></td>
<td>Vertx Style #VTX4000P (short sleeve) or Style #VTX4020 (long sleeve)</td>
</tr>
<tr>
<td></td>
<td>Color: Navy</td>
</tr>
<tr>
<td></td>
<td>Nametag: Embroidery - Last name / Silver (Melco font)</td>
</tr>
<tr>
<td></td>
<td>Badge - Silver embroidered Monterey Police badge</td>
</tr>
<tr>
<td></td>
<td>Gold for Command Staff</td>
</tr>
<tr>
<td></td>
<td>Silver for Sergeant and Officer</td>
</tr>
<tr>
<td></td>
<td>Patches – one Monterey Police patch on each arm</td>
</tr>
<tr>
<td><strong>Pants</strong></td>
<td>5.11 Style #45502 or equivalent</td>
</tr>
<tr>
<td></td>
<td>Color: Dark Navy</td>
</tr>
<tr>
<td><strong>Shorts</strong></td>
<td>5.11 Style #45502 or equivalent</td>
</tr>
<tr>
<td></td>
<td>Color: Dark Navy</td>
</tr>
<tr>
<td><strong>Undershirt</strong></td>
<td>Black crew neck t-shirt, in good condition and not faded to reflect any</td>
</tr>
<tr>
<td></td>
<td>color other than black.</td>
</tr>
<tr>
<td><strong>Jacket:</strong></td>
<td>Blauer Style 9010Z or 9910Z, Black - Cruiser Gortex Jacket</td>
</tr>
<tr>
<td></td>
<td>Elbeco Style 3920, Black - Summit</td>
</tr>
<tr>
<td></td>
<td>Mocean Style 6070R, Black - Tech waterproof bike jacket with removable liner.</td>
</tr>
<tr>
<td></td>
<td>Badge - Silver embroidered Monterey Police badge</td>
</tr>
<tr>
<td></td>
<td>Gold for Command Staff</td>
</tr>
<tr>
<td></td>
<td>Silver for Sergeant and Officer</td>
</tr>
<tr>
<td></td>
<td>Patches – one Monterey Police patch on each arm</td>
</tr>
<tr>
<td><strong>Socks</strong></td>
<td>Black</td>
</tr>
<tr>
<td><strong>Shoes</strong></td>
<td>Black leather athletic shoes (plain without graphics)</td>
</tr>
<tr>
<td><strong>Equipment</strong></td>
<td>Helmet – Black with “POLICE” white lettering on both sides</td>
</tr>
<tr>
<td></td>
<td>Glasses – safety glasses that include dark and clear lense</td>
</tr>
<tr>
<td></td>
<td>Gloves – bicycle gloves</td>
</tr>
<tr>
<td></td>
<td>Duty Belt – same as patrol</td>
</tr>
</tbody>
</table>

Revised 11/01/2021
2. Motorcycle Uniform (Purchased from Motoport.com)

<table>
<thead>
<tr>
<th>Category</th>
<th>Item Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helmet</td>
<td><strong>Shoei RJ-Airle</strong>&lt;br&gt;With silver P’s and silver band. Style ¾ with white and black pinstripe&lt;br&gt;Gold P’s and gold band for Command Staff</td>
</tr>
<tr>
<td>Jacket</td>
<td><strong>Air Mesh Kevlar Jacket - Dark Blue - Custom - 102300-CUSTOM</strong>&lt;br&gt;1.5” Gray Reflective on Sleeves - REFLECTIVE 01&lt;br&gt;Pen Holder Pocket - POCKET 8&lt;br&gt;Police Patch on Back - PATCH 05&lt;br&gt;Velcro on Provided Patch - PATCH 02 (Qty: 2)&lt;br&gt;Badge Holder - Patch 03&lt;br&gt;MIC Loops - MIC LOOPS</td>
</tr>
<tr>
<td>Shirt</td>
<td><strong>Kevlar Motor Shirt - Dark Blue - Custom (102360-00-CUST)</strong>&lt;br&gt;Sew on Provided Patch - Patch 01  (Qty: 2)&lt;br&gt;Badge Holder - Patch 03&lt;br&gt;Pen Holder Pocket - Pocket 08</td>
</tr>
<tr>
<td>Traffic Winged Wheel Patch</td>
<td>Winged Wheel Patch &lt;br&gt;Sewn below MPD Patch on both sleeves of uniform shirts&lt;br&gt;Arrow faces toward front of body</td>
</tr>
<tr>
<td>Gloves</td>
<td>Black gloves - leather, armored, or a mixture of solid and mesh. Should be free of large logos or writings</td>
</tr>
<tr>
<td>Pants</td>
<td><strong>Kevlar Motor Breeches - Dark Blue - Custom 102507-DRK-BLU</strong>&lt;br&gt;Zipper/Velcro Cuff Closure - Zipper 03&lt;br&gt;1” Gray Reflective on Entire Leg - REFLECTIVE 05&lt;br&gt;Left and Right Sap Pocket - Pocket 05 (Qty: 2)</td>
</tr>
<tr>
<td>Boots</td>
<td><strong>TCX Airtech Gore - Tex Boot (Drop Shipped) - 104102-00 or Equivalent</strong></td>
</tr>
</tbody>
</table>
3. Motorcycle Uniform (Traditional Options)

| Helmet  | Shoel RJ-Airle  
|         | With silver P’s and silver band. Style ¾ with white and black pinstripe  
|         | Gold P’s and gold band for Command Staff  
| Jacket  | Cold Weather Jacket (see above)  
|         | LAPD style cowhide leather jacket (black)  
|         | Style #4491Z  
| Pants   | Standard Wool Motor Breeches with white stripes on each outer legs  
|         | 5.11 Motorcycle Breeches - Dark Blue - #74407  
| Boots   | CHP Style Knee-High Leather Motorcycle Boots  
|         | Motoport SIDI Gore-Tex Boot 104.209 |

*Department will purchase safety gear (one shirt, one pants, jacket, helmet, gloves, boots). Department will replace boots (if needed) every two years.

4. Investigations Division Overt Operations

| Shirt  | Sport-Tek (Black) long sleeve or Equivalent  
|        | Embroidered Silver Star badge  
|        | White lettering along arms - “POLICE”  
|        | White letter along back shoulder - “MONTEREY POLICE”  
|        | *May be purchased from High Ace Design in Salinas  
| Jacket | Olympic Attach JAC #OAJ241  
|        | Color: Black  
|        | Windbreaker style jacket  
|        | “POLICE” in white on rear  
|        | “POLICE” in white on front right chest  
|        | Monterey Police Cloth badge on front upper left chest |

Revised 11/01/2021
IV. Professional Staff Uniforms

1. Police Services Technician Uniforms (PST/SPST/PRDS)

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shirt</td>
<td>Elbeco, Flying Cross, or Equivalent</td>
</tr>
<tr>
<td></td>
<td><strong>Elbeco</strong></td>
</tr>
<tr>
<td></td>
<td>Color: LAPD blue</td>
</tr>
<tr>
<td></td>
<td>Male: Long Sleeve 437 / Short Sleeve 4237</td>
</tr>
<tr>
<td></td>
<td>Female: Long Sleeve 537 / Short Sleeve 5237</td>
</tr>
<tr>
<td></td>
<td><strong>Flying Cross</strong></td>
</tr>
<tr>
<td></td>
<td>Color: LAPD blue</td>
</tr>
<tr>
<td></td>
<td>Male: Long Sleeve 20W9586 / Short Sleeve 70R9586</td>
</tr>
<tr>
<td></td>
<td>Female: Long Sleeve 120W9586 / Short Sleeve 170R9586</td>
</tr>
<tr>
<td></td>
<td>*Shirts may be either 100% wool, a synthetic blend (such as polyester/rayon),</td>
</tr>
<tr>
<td></td>
<td>or a blend of wool and synthetic material. Personnel shall have one Class A</td>
</tr>
<tr>
<td></td>
<td>Uniform – 100% wool long sleeve shirt and 100% wool pants.</td>
</tr>
<tr>
<td>Pants</td>
<td>Flecheimer or Horace Small, or Equivalent</td>
</tr>
<tr>
<td></td>
<td>Color: LAPD blue</td>
</tr>
<tr>
<td></td>
<td>Male: 32289</td>
</tr>
<tr>
<td></td>
<td>Female: 35289</td>
</tr>
<tr>
<td></td>
<td>*Pants may be either 100% wool, a synthetic blend (such as polyester/rayon),</td>
</tr>
<tr>
<td></td>
<td>or a blend of wool and synthetic material. Personnel shall have one Class A</td>
</tr>
<tr>
<td></td>
<td>Uniform – 100% wool long sleeve shirt and 100% wool pants.</td>
</tr>
<tr>
<td>Cargo Pants</td>
<td>Flying Cross Deluxe Tactical Cargo Pant or Equivalent</td>
</tr>
<tr>
<td></td>
<td>Item 39300</td>
</tr>
<tr>
<td>Undershirt</td>
<td>Black crew neck t-shirt, in good condition and not faded to reflect any color</td>
</tr>
<tr>
<td></td>
<td>other than black.</td>
</tr>
<tr>
<td>Socks</td>
<td>Black</td>
</tr>
<tr>
<td>Nameplate</td>
<td>Reeves #50LE uniform name badge</td>
</tr>
<tr>
<td></td>
<td>Last name only, capitalized</td>
</tr>
<tr>
<td></td>
<td>½ inch by 2 ¼ inches</td>
</tr>
<tr>
<td></td>
<td>Gold bar with black lettering, pin back satin (dual grips)</td>
</tr>
<tr>
<td>Tie</td>
<td>Black, clip-on, with plain gold colored tie bar</td>
</tr>
</tbody>
</table>

Revised 11/01/2021
## 2. Police Services Technician Equipment (PST/SPST/PRDS)

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belt</td>
<td><strong>Bianchi Accumold or Equivalent</strong>&lt;br&gt;Black leather in appearance, 2 ¼” inch wide&lt;br&gt;Top and bottom edge will be rounded and polished&lt;br&gt;Gold colored buckle worn on the outer belt or plastic clip buckle</td>
</tr>
<tr>
<td>OC / Holder</td>
<td><strong>OC: First Defense MK-4 3.0 OZ</strong>&lt;br&gt;Holder: Black leather in appearance basket weave design with hidden snap</td>
</tr>
<tr>
<td>Radio Holder</td>
<td>Black leather radio holder, basket weave design, or metal radio holder ring</td>
</tr>
<tr>
<td>Handcuff / Case</td>
<td><strong>Peerless #700, 10 ounce, nickel finish (issued 2) or Equivalent</strong>&lt;br&gt;Case shall be black leather in appearance basketweave design with hidden snap to accommodate one or pair of peerless handcuffs</td>
</tr>
</tbody>
</table>

## 3. Community Service Officer - Uniform (Member Responsibility)

<table>
<thead>
<tr>
<th>Clothing Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shirt</td>
<td><strong>Light Blue Propper Polo or Equivalent</strong>&lt;br&gt;Long Sleeve or Short Sleeve&lt;br&gt;&lt;br&gt;<strong>Class A - Elbeco or Equivalent</strong>&lt;br&gt;524787&lt;br&gt;Light Blue</td>
</tr>
<tr>
<td>Pants</td>
<td><strong>Flecheimer, Horace Small, or Equivalent</strong>&lt;br&gt;Color: LAPD blue&lt;br&gt;Male: 32289&lt;br&gt;Female: 35289&lt;br&gt;*Pants may be either 100% wool, a synthetic blend (such as polyester/rayon), or a blend of wool and synthetic material. Personnel shall have one Class A Uniform – 100% wool long sleeve shirt and 100% wool pants.</td>
</tr>
<tr>
<td>Cargo Pants</td>
<td><strong>Flying Cross Deluxe Tactical Cargo Pant or Equivalent</strong>&lt;br&gt;Item 39300&lt;br&gt;<a href="http://www.flyingcross.com/Deluxe-Tactical-Mens-Uniform-Pants-Cargo-Pockets.aspx">http://www.flyingcross.com/Deluxe-Tactical-Mens-Uniform-Pants-Cargo-Pockets.aspx</a>&lt;br&gt;&lt;br&gt;<strong>5.11 Tactical Stryke Covert Cargo</strong>&lt;br&gt;Color: LAPD Blue</td>
</tr>
<tr>
<td>Undershirt</td>
<td>Black crew neck t-shirt, in good condition and not faded to reflect any color other than black.</td>
</tr>
<tr>
<td>Socks</td>
<td>Black</td>
</tr>
<tr>
<td>Shoes</td>
<td>Black, plain toe, capable of holding a shine. Main body shall be leather or similar material, while the upper portion shall be later, nylon, or a similar material. Athletic shoes are not permitted.</td>
</tr>
</tbody>
</table>
### 4. Community Service Officer - Uniform (Department Provided)

<table>
<thead>
<tr>
<th>Ballistic Vest</th>
<th>American Body Armor / Extreme X / LPS Tactical</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ballistic vest shall be worn per manufacture design and specifications. Level II threat</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nameplate</th>
<th>Reeves #50LE uniform name badge (Sergeant and Officer Rank)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Last name only, capitalized</td>
</tr>
<tr>
<td></td>
<td>½ inch by 2 ¼ inches</td>
</tr>
<tr>
<td></td>
<td>Silver bar with blue lettering, dual grips, satin</td>
</tr>
<tr>
<td></td>
<td><a href="https://www.reevesnamepins.com/law.asp">https://www.reevesnamepins.com/law.asp</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cloth Nametag</th>
<th>Ripstop Black Fabric Strips Sew On (Militarynames.com)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lettering Thread Color: Gold</td>
</tr>
<tr>
<td></td>
<td>Lettering Size: ¾” Lettering (Standard)</td>
</tr>
<tr>
<td></td>
<td>Format of Lettering: All Capital Lettering</td>
</tr>
<tr>
<td></td>
<td>*Order three sets</td>
</tr>
</tbody>
</table>

| Tie | Black, clip-on, with plain silver colored tie bar |
| Rain Jacket | Black/Lime Green reversible |

| Reflective Vest | “CSO” in black lettering on either the front and/or back side |
|                | Cloth Monterey Police badge left side above pen pocket |

### 5. Community Service Officer - Equipment (Department Provided)

<table>
<thead>
<tr>
<th>Duty Belt</th>
<th>Bianchi Accumold or Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Black basketweave in appearance, 2 ¼” inch wide</td>
</tr>
<tr>
<td></td>
<td>Top and bottom edge will be rounded and polished</td>
</tr>
<tr>
<td></td>
<td>Silver colored buckle worn on the outer belt or plastic clip buckle</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OC/Holder</th>
<th>OC: First Defense MK-4 3.0 OZ</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Holder: Black leather in appearance basket weave design</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Radio/Holder</th>
<th>Motorola APX 8000 radio</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Radio Holder – Motorola leather or clip. Also any basket weave style radio holder that will hold the Motorola APX 8000 Radio.</td>
</tr>
<tr>
<td></td>
<td>Charger – Motorola radio charger</td>
</tr>
<tr>
<td></td>
<td>Motorola Microphone, Standard Speaker (optional)</td>
</tr>
</tbody>
</table>

All leather gear should be black basketweave leather. All gear should be kept in good appearance and the belt accessories shall have hidden snaps.

Revised 11/01/2021
6. Community Service Officer - Equipment (Optional)

<table>
<thead>
<tr>
<th>Item</th>
<th>Specifications</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cold Weather Jacket</strong></td>
<td><strong>Blauer Cruiser Gortex Jacket or Equivalent</strong></td>
</tr>
<tr>
<td></td>
<td>Black, Style 9010Z or 9910Z (other style must be approved by COP)</td>
</tr>
<tr>
<td></td>
<td>Nameplate to be affixed to the outside right breast pocket</td>
</tr>
<tr>
<td></td>
<td>Monterey Police cloth badge above left breast pocket.</td>
</tr>
<tr>
<td></td>
<td>Patches – one Monterey Police patch on each arm</td>
</tr>
<tr>
<td>Elbeco or Equivalent</td>
<td>Black, Summit Style 3920 (other style must be approved by COP)</td>
</tr>
<tr>
<td></td>
<td>Nameplate to be affixed to the outside right breast pocket</td>
</tr>
<tr>
<td></td>
<td>Monterey Police cloth badge above left breast pocket.</td>
</tr>
<tr>
<td></td>
<td>Patches – one Monterey Police patch on each arm</td>
</tr>
<tr>
<td><strong>Gloves</strong></td>
<td>Black – leather or neoprene or similar man made material. Five finger style.</td>
</tr>
<tr>
<td><strong>Baseball Cap</strong></td>
<td>Black in color, either flexfit or snap adjustment. Full material shell covering.</td>
</tr>
<tr>
<td></td>
<td>Silver embroidery lettering on front</td>
</tr>
<tr>
<td></td>
<td>“Monterey Police” – all capital lettering above the Police Badge</td>
</tr>
<tr>
<td></td>
<td>Embroidering at Federico's</td>
</tr>
<tr>
<td><strong>Other Holders</strong></td>
<td>Latex glove case – similar to leather / basketweave</td>
</tr>
<tr>
<td></td>
<td>Flashlight holder – similar to leather / basketweave or ring</td>
</tr>
</tbody>
</table>
V. Volunteer Uniforms

1. Volunteers in Policing

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
</table>
| Rain Jacket     | Color: Yellow  
|                 | “POLICE VOLUNTEER” centered on back in reflective silver letter block letters |
| Jacket          | Elbeco or equivalent  
|                 | Color: Navy Blue, style 3920  
|                 | Police Volunteer patch centered on back in embroidered yellow block letters |
| Shirt           | Elbeco or equivalent  
|                 | Color: White  
|                 | Men’s Short Sleeve 867-3  
|                 | Men’s Long Sleeve 877-3  
|                 | Women’s Short Sleeve 801-3  
|                 | Women’s Long Sleeve 3811-3 |
| Shoulder Patches| Patches shall be displayed on both sleeves of shirt and jacket. Patch will be centered on the middle line of the shoulder, ¾” below the shoulder seam. Rocker patch “Volunteer Services” displayed directly atop police patch |
| Nameplate       | Reeves #50LE uniform name badge  
|                 | Last name only, capitalized  
|                 | ½ inch by 2 ¼ inches  
|                 | Gold bar with black lettering, pin back satin (dual grips) |
| Pants           | Liberty or equivalent  
|                 | Color: gray |
| Socks           | Black |
| Shoes           | Black, plain casual dress, walking style |
| Hat             | Black baseball style hat  
|                 | Embroidered “Volunteer MVP Policing” |
| Belt            | 1 ½” basket weave or similar |
| Radio Holder    | Black basket weave |
| Service Pins    | Service pins will be issued depending on the total number of service hours. These pins may be worn above the nametag |
MISSION STATEMENT

The primary responsibility of the Monterey Peninsula Regional Special Response Unit (MPRSRU or SRU), comprised of SWAT and Crisis Negotiations Team (CNT) components, is to provide a tactical / crisis management response to critical incidents. Through the use of developed skills, tactics, and specialized equipment / capabilities the Special Response Unit (SRU) will manage critical incidents utilizing tactics and strategies that emphasize control, containment, resolution, and the protection of life and property.
1.0 ADMINISTRATION AND TRAINING

1.1 Team Duties and Responsibilities
1.2 Procedural Manual
1.3 Chain of Command / Org Chart
1.4 Team Records Management
1.5 Training Schedule
1.6 Training Safety
1.7 Documentation of Training
1.8 Standards of SRU Members

2.0 OPERATIONS

2.1 Call-Out Procedure
2.2 Tactical Operations-Critical Incidents
2.3 Tactical Operations-Planned Events
2.4 Individual Responsibilities
2.5 K9 Integration and Utilization

3.0 PERFORMANCE STANDARDS

3.1 Testing/Selection Process for SWAT
3.2 Physical Fitness Standards and Testing for SWAT Team Members
3.3 SWAT Team Weapons Standards/Testing
3.4 Testing/Selection Process for CNT
3.5 Removal Process

3.6 SWAT Uniform Specifications

3.7 CNT Uniform Specifications

**4.0 SPECIALTY ASSIGNMENTS**

4.1 SWAT & CNT Team Leaders

4.2 Standards for Long Rifle/Observer Teams

4.3 Deployment of Long Rifle/Observer Teams

4.4 Long Rifle/Observer Proficiency Standards

4.5 SWAT Team Trainer Positions

**5.0 USE OF SPECIALIZED EQUIPMENT**

5.1 Use of Chemical Agents

5.2 Use of Distraction Devices

5.3 Use of Less Lethal Ammunition

5.4 Shotgun Breaching Procedures

**6.0 APPENDIX**

6.1 Physical Fitness Test

6.2 SWAT Handgun/Rifle Qualification Course

6.3 Member Agency Operator Call-Out Availability - Example

6.4 Agency Firearms Qualification Compliance Letter

6.5 SRU Matrix
1.1 – TEAM DUTIES AND RESPONSIBILITIES

Procedures: SWAT / CNT’s mission capabilities include, but are not limited to, the following:

A. Barricaded subject(s)
B. Warrant service – arrest / search
C. Hostage rescue operations
D. High risk apprehension / arrest
E. Protection details – VIP’s, witnesses / other
F. Evacuation / rescue of individuals from high-risk areas
G. Surrender call-out and arrest procedures
H. Chemical agent deployment
I. Negotiation team support
J. Employment of less lethal devices
K. Inner perimeter containment
L. Anti-sniper operations
M. High-risk vehicle stops / take downs
N. Other missions as assigned by the SRU Commander within the capabilities of the Unit.

The Team operational protocol includes the capability to execute missions within the following incident site configurations:

1. Residential structures – single / multiple story
2. Commercial structures – single / multiple story
3. Vehicles – auto, bus, van
4. Mobile home trailers
5. Government buildings
6. Any other location deemed necessary and appropriate by the SRU Commander.

Philosophy: Recognizing that, by their very nature, tactical operations are hazardous situations, the successful management and resolution of an incident often involves the need for decisions that may affect the safety of persons involved. With this in mind, all operational / tactical decision-making will be made based on the protection of life.

When possible, the safety of suspect(s) will be a consideration; however, the life of a suspect will not take precedence over the life of hostages, innocent persons / citizens, or police officers.
1.2 – PROCEDURE MANUAL

**Purpose:** The purpose of this document is to establish and maintain a procedural manual for SWAT / CNT.

The Special Weapons and Tactics (SWAT) and the Crisis Negotiation Team (CNT) procedural manual will outline the Rules and Regulations of the Monterey Peninsula Regional Special Response Unit (SRU) concerning training, tactical operations and response to critical incidents and SWAT / CNT management.

1.3 – CHAIN OF COMMAND / ORGANIZATIONAL CHART

**Purpose:** To establish the administrative chain of command for the SRU’s SWAT / CNT team to guide routine training and team management during critical incidents.

The SRU will follow the principles of the command structure as outlined in the Incident Command System (ICS). The ICS shall be activated when there is a planned event that requires the use of the SRU. During an unplanned event, the ICS will be activated when it appears the event will not be resolved immediately and SRU is activated.

The chain of command outlined below will be in addition to each individual team member’s departmental chain of command.

The SRU will adhere to the organizational chart listed below for the tactical chain of command:

1. Incident Commander
2. SRU Commander
3. Tactical / CNT Commander(s)
4. Team Leader
5. Assistant Team Leader
6. Operators

Every city/agency participating in the SRU program shall have a person designated as the Team Liaison. This person shall serve as the contact person for the SRU Commander. They shall ensure all members are aware of training dates / times / locations and relaying any information that is passed on to the team members from the SRU Commander or other supervisor from the unit.
**Procedure:**

SRU Commander: The Commander of the SRU unit shall be appointed by the Chief's Advisory Board. He / she shall be responsible for the overall management of the unit.

Team Commanders: Under the direction of the SRU Commander, the SWAT and CNT Units shall be managed by a minimum of three Team Commanders: two for the SWAT team, who will serve as the Tactical Commanders, and one for the CNT unit (whose responsibilities are for the CNT, not tactical command). A Logistics Commander will also be staffed, if possible. The Team Commanders should be of a supervisory rank and will be selected by the SRU Commander after review with the Chief's Advisory Board.

Team Leaders: The CNT and SWAT Team will be supervised by veteran operators, who will serve as the respective Team Leaders.

The Team Leaders shall be selected by the SRU Commander upon specific recommendation by the CNT & SWAT Commanders. The primary responsibility of the Team Leaders is to supervise the operations of the respective teams, including deployment, training, first line participation, and other duties as directed by the CNT and / or SWAT Commanders.

After the Team Leader are the Assistant Team Leaders and Team Members. Team Members are ranked based on skills and performance. It is the duty of each Team Member to respect the rank and authority of the other.

**SRU Team Chain of Command:** (see Organizational chart next page)
Special Response Unit Command:
When activated for an operation, the Tactical and CNT Commanders will report
directly to the Incident Commander of the given critical incident or planned
event. The SRU Commander and the Tactical/CNT Commanders are
responsible for the deployment of the SRU, tactical decision-making and
tactical resolution of the incident. Unless they relinquish their control to another
person outside of the team, no other person who is not in a leadership position
within the team will attempt to direct, supervise, or control any element of the
team.

The SRU Commander will serve as the Deputy Incident Commander. The
Incident Commander role shall be selected by the Chief of Police (or designee)
in that jurisdiction. The agency that has jurisdiction shall have operational
command and control over any planned or unplanned incident.

The Incident Commander and / or chief law enforcement officer for the
requesting agency should keep in mind that the operation plan proposed is
based on the education, training and experience of SRU personnel. The SRU
Commander or Tactical Commander will have the final decision on tactics
used by the team.

1.4 – TEAM RECORDS MANAGEMENT

Purpose: To establish procedures for maintaining SWAT / CNT records.

Procedure: It is the responsibility of the SWAT Team Leaders and CNT
Team Leader to develop and organize files and records documenting the
administrative and operational actions for their respective teams. All training
records will be forwarded to and maintained by the Logistics Commander.

General:

A. SWAT / CNT files and records include, but are not limited to, the following:
   annual training schedules, training reports/summaries, activation reports,
   and qualification results.

B. SWAT / CNT files and records will be available for review by the CNT
   Commander, Tactical Commanders, Team Leaders, Agency Training
   Bureaus, Chiefs of Police, and others on a need to know basis.

C. SWAT / CNT maintenance and administrative records, to include training
   records, will be maintained and disposed of in accordance with the
guidelines outlined below.
SWAT / CNT files and records may be maintained on a computer system.

Specific: The Logistics Commander is responsible for maintaining all Team records.

A. Equipment Records: The Logistics Commander and/or Team Leaders will maintain records to show an accurate listing of all Team equipment.

1. The records should include the type of equipment, descriptions, serial numbers, condition, the assigned Team Member, and/or where the item is stored.

2. Equipment records should be reviewed and equipment inventoried once a year.

B. Training Records: Training records will be kept in a secure manner as part of the SWAT / CNT Administrative files by the Logistics Commander.

1. Team Training: Documentation of completed monthly Team training as established through the annual training plan will be maintained in the SWAT / CNT Administrative files.

2. Attendance of all members for official team training.

1.5 – TRAINING SCHEDULE

Purpose: This order will establish a procedure for SWAT / CNT in-house training and expectations of members.

Procedure: SWAT / CNT shall conduct training in an effort to both maintain and increase skill levels of members in all areas applicable to the SRU. The SRU shall train in a manner that maximizes its ability to respond to critical incidents and other events as needed.

SWAT training schedule:

1. The SWAT team will offer 120 hours of training per year or 10 hours minimum per month. The training will include team skills, individual skills, and operational skills.

2. SWAT Team Members will additionally receive a minimum of 24 hours of “Advanced SWAT” or “SWAT Update” training bi-annually in accordance with POST recommendations.

3. Certain training is deemed mandatory and an absence must either be excused or made up.
4. The SWAT team leaders or their designee will be responsible for scheduling training dates, assigning training topics, and assigning responsibility to team members for the training.

5. The annual training schedule will be completed and submitted to the SRU Commander for approval on or about January 1, for the following fiscal year (July-June). SWAT and CNT training schedules will be combined into an “SRU Master Training Schedule” which will be shared with all SRU Members, SRU Chiefs, and respective training managers.

6. SWAT and CNT teams will schedule joint training no less than 3 times each year.

CNT training schedule:

1. The CNT leaders or their designee will be responsible for scheduling training dates, assigning training topics, and assigning responsibility to team members for the training.

2. CNT members will complete 48 hours of skills training per year as approved by the SRU Commander. Training will generally be conducted in monthly 4 hour or bi-monthly 8 hour training sessions.

3. CNT leaders will develop the training schedule in conjunction with the SWAT team leaders.

Excused and Unexcused Training Absences

1. Team members should make every attempt to attend all training sessions. Certain absences for scheduled vacations, special events, court appearances, schools, etc. may be allowed, but prior approval must be obtained by the appropriate agency liaison prior to the training date.

2. SWAT members missing more than two consecutive training sessions, or three in one year, may be placed on inactive status.

3. If the absences are excused, the member must be re-certified by passing a PT test and a range qualification, if appropriate.

4. If the absences are unexcused, the member must be re-certified by successfully passing a PT test, and a range qualification. Return to active status must be approved by the members respective Chief of Police AND by the SRU Commander.

5. All SWAT or CNT unexcused training absences will be reported to the team member’s respective Department Liaison or Chief of Police.

6. All SWAT or CNT Members with two unexcused absences in a 12 month period may be subject to removal from the SRU.
1.6 – TRAINING SAFETY

**Purpose:** To establish procedures outlining safety requirements for training exercises.

**Procedure:** It shall be the policy of the SRU to conduct all training in such a manner as to promote an attitude of safety among instructors and students alike. All Team members will strictly adhere to the Training Safety Procedures. The following safety issues will be considered during training exercises:

A. Site Survey
   - Hazards (both day and night conditions)
   - Access control issues
   - Sensitive areas / equipment
   - Adjacent businesses, neighbors, affected areas and activities (notification requirement)
   - Site Liaison, if applicable

B. NOTIFICATIONS
   - Media, if applicable
   - Site personnel
   - Neighbors
   - Other agencies (use of radio frequencies that might be scanned)
   - Visitors, delivery persons

C. SITE CONTROLS
   - Signing, barricading, taping
   - Checkpoints
   - Perimeter control points
   - Staging areas
   - Check-in, check-out locations / procedures
   - Posting of advanced notice
   - Site liaison(s)
   - Public address capabilities/warning systems
   - Special access requirements (e.g. taxiways)
   - Rules of the road (vehicular traffic)
   - Schematics maps-color coded to delineate exercise area, areas that are off limits.
Treatment of locked doors / facilities

Markings for out of exercise persons, evaluators, observers, controllers, security, and safety personnel

D. BRIEFINGS

Identification of role players
Control group (including security / safety personnel)
Responders
Observers / evaluators
Adherence to scenario / role plays
Decision rules for unscripted contingencies / role plays
Communications networks / telephone systems
Outline of general schedule

In-exercise / out-of-exercise persons, area, activities, including markings, color-coding

Force ground rules: persons, property, and use of blanks

Treatment of role players: comforts, handcuffing, responding to signs of distress

Resource requests (generic phone number)

Site use rules/special concerns
VIP visits

Reference materials / use of SOP's

Unacceptable risks / maneuvers / hazards

Safety signals; verbal, visual (horn, whistles)

Safety procedures / designation of safety officer and scope of authority

Weapons checks (redundancy)

Check-in, check-out points, log, verification of compliance with safety checks

E. SAFETY CHECKS BY SAFETY OFFICER

Weapons and ammunition (including storage)

Other force instruments

Marking of "cleared" weapons by tape or other means

Buddy checks (importance of redundancy)

Checkpoints (if appropriate)
F. EXERCISE TERMINATION
   Notice / acknowledgment
   Assembly areas
   Area "policing" rules
   Maintain containment until "all clear" and specific "relief-of-post" instructions
   Clear all hazardous conditions
   Restore normal security
   Restore normal conditions (e.g. lighting, protective barriers)
   Removal of specific signing, barricades, tape, etc.
   Notifications of exercise termination
   Clearance from site representative

G. CRITIQUES
   Assignments
   Critiques of exercise design/control
   Response critique
      By element
      Of the whole system
   Ground rules for critiques (positive focus)
   Follow-up actions

H. POST-EXERCISE ISSUES
   Weapons check (reverse of check-in procedure)
   Re-stocking equipment
   Area inspection
   Hazards / damage / unsecured areas
   Clear radio channels
   Sign removal
   Notifications
   Injury checks / reports / Reporting requirements

1.7 – DOCUMENTATION OF TRAINING / REQUESTS
**Purpose:** This order will establish a procedure for documenting all training sessions conducted by SWAT/CNT, as well as outline the procedure for team members to request training and schools related to SWAT/CNT.

**Procedure:** It shall be the policy of SWAT/CNT to document all training sessions. The training summary report must identify who participated, the training objectives and summarize how the objectives were attained.

Training outlines will be developed prior to all training sessions and will identify the scope of training, location/times of training, and equipment required. Upon completion of training, SWAT/CNT Team Leaders or their designees are responsible for completing a training report of all SWAT/CNT training sessions. Completion of training will be documented in memo form and addressed to the SRU Commander. The completed training report shall be forwarded to the Logistics Commander within thirty days of the training session.

**Requests for Training:**

SRU team members wishing to attend specialized courses related to the mission of the team shall submit requests by memorandum via the chain of command to the SRU Commander. The Unit Commander will assess the need for the training, approve/disapprove the request, and forward the request to the appropriate agency.

**1.8 – STANDARDS OF SRU Members**

**Purpose:** To establish standards for the SWAT/CNT Members.

**Procedure:** The SWAT/CNT will exercise control over barricaded subjects, hostage situations, and/or other critical incidents as outlined in section 1.1. Team policy shall be to save and protect lives and minimize hazards to all persons.

The following statements establish standards for SWAT/CNT.

**A. Training** Team Members should consider all training sessions mandatory. Every attempt should be made to attend each session, as well as any other Team related activity. Failure to meet training standards will result in removal from the Team. Team Members will bring to training any equipment used at call outs.

**B. Deficiencies** Members shall not rely solely on training presented, but will devote whatever additional time is necessary to correct deficiencies noted.
C. Team Concept  Responsibility, maturity, dedication, participation, and honesty are the major components that form the Team concept. Another important personal trait is flexibility. Each Team Member must be able to adapt to the situation, be it training or an actual incident. If a Member is not willing to fulfill his/her responsibilities to the Team, then they should resign, for the betterment of all involved.

D. Physical Preparedness  All SWAT Members shall maintain a high degree of physical preparedness.

E. Equipment  All Members are responsible for the maintenance of their personal equipment, Team equipment and weapons. This equipment will be stored in the appropriate location in a continual state of readiness. Any lost, broken or missing equipment will be reported to the Team Leader immediately. Every attempt will be made to immediately replace or repair damaged equipment. Every attempt should be made to avoid borrowing another team member’s equipment without notifying the respective team member.

F. Operation Manual  All members will maintain their operation manual and incorporate new materials as it is distributed. All members will be responsible to adhere to any policy once it has been distributed.

G. Punitive Action  Punitive action for violating requirements of the team shall be at the discretion of team member’s respective agency and policies. The SRU Commander shall retain the authority to remove any member of the team, in consultation with the team member’s respective agency.

H. Conclusion  The above Rules and Regulations are basic standards upon which the team will expand. They will be reviewed on a periodic basis and revised as necessary.

2.1 – CALL-OUT PROCEDURE

**Purpose:** To establish procedures for SWAT / CNT activation and to guide the Team Member’s response.
SWAT / CNT will only be activated on the authority of the SRU Commander or designee. Call outs of the SWAT Team will include a CNT activation, if appropriate.

   A. In situations where an organized police presence is requested, not rising to the level of a typical call out and SWAT Team Members respond, the Tactical Commander may limit the personnel commitment and not require a total commitment of both SWAT and CNT.

   B. Generally, in these situations, a minimum of two Members of SWAT or CNT should accompany the primary Team to assess the situation and provide recommendations for additional resources.

**Procedure:**

**A. SWAT / CNT Team Activation Protocol:**

1. The Patrol Watch Commander, Patrol Sergeant, or their designee, shall be responsible for obtaining approval to activate SRU and ensuring that the SRU is called during a critical incident.

2. See Appendix 6.3 for an example of individual agency SRU member availability, and Appendix 6.5 for the SRU Call-Out Matrix.

**B. Team Notification:**

1. Upon the decision by an agency to request the SWAT / CNT Team, County Communications will notify the SRU Commander, who will determine if the SRU will respond to the incident. If activated, County Communications will in turn activate the SWAT / CNT call-out, ensuring all required Team members are contacted and provided with the necessary information regarding the incident.

2. All SWAT / CNT Members are to respond to the call, indicating their availability and / or response time to the SWAT Team designated staging location. CNT Members will also provide their estimated time to the staging area.

3. Each agency will be responsible for determining which Operators are available for a given call-out, based on that agencies need for patrol coverage, etc. Again, see Appendix 6.3 for a sample agency protocol.

4. Medical Support will also be notified, if necessary.

**C. SWAT Team Commander / Team Leaders Responsibility:**
1. The SWAT/CNT Commander(s) and Team Leaders will respond to the scene of the incident.

2. SWAT Team Tactical Commanders and / or Team Leaders will contact the Incident Commander and establish a Tactical Command Post. The CNT Team Leader will establish a negotiation location/CNT Command Post.

3. The SWAT/CNT Commander(s) and / or Team Leaders will provide all responding Team Members with the location of the Tactical Command Post, CNT Command Post, and the safest access routes and recommended response code.

D. On-Duty SWAT/CNT Team Members Responsibility:

1. On-duty SWAT Team Members, when practical, will respond directly to the SWAT Team staging area, unless already involved in the incident. On-duty personnel must first be relieved by their individual agencies of their current duties.

2. On-duty CNT members will respond to the scene of the incident. The CNT Team Member responsible for picking up the equipment will do so and then proceed to the negotiation location. On-duty personnel must first be relieved by their individual agencies of their current duties.

E. Off-Duty SWAT/CNT Team Members Responsibility:

1. When practical, all off-duty SWAT Team Members will respond directly to the SWAT Team staging area, unless otherwise directed by the Tactical Commander or SWAT Team Leader. Each member must bring their personal call-out gear with them to the staging area. Most members will need to send at least one agency member to their respective station to retrieve appropriate weapon and equipment systems.

2. Off-duty CNT members will respond directly to the negotiation locations.

F. First Responders (SWAT):

1. First Responders are defined as the first four SWAT Team Members to arrive at the SWAT Team staging area, or the initial Incident Command Post set up by the incident commander.

2. First Responders are to begin setting up a SWAT tactical staging area. Each Team member must have their issued long gun, and their personal equipment prior to arriving at the scene of the incident, unless other approved arrangements have been made for gear arrival to the scene.
G. Secondary Responders (SWAT):

1. Secondary Responders shall be defined as all SWAT Team Members other than the First Responders.

2. Secondary Responders are to retrieve the needed SWAT vehicles and stage the vehicle near the Incident Command Post, or other location as designated by command personnel. Secondary Responders will be responsible for loading all remaining Team equipment and personal equipment into the SWAT vehicles, if necessary, prior to heading to the command post. After all equipment has been loaded, Secondary Responders are to travel to the scene of the incident.

H. Late Responders (SWAT):

1. Late Responders are defined as any SWAT Team Members who arrive at the SWAT staging area after the SWAT Truck and the Secondary Responders have begun their response.

2. Late Responders are to respond to the SWAT Team staging area and await orders.

3. Late Responders will ensure their personal equipment has either been brought to the SWAT staging area, or bring it themselves prior to traveling to the scene of the incident.

2.2 – TACTICAL OPERATIONS-CRITICAL INCIDENTS

**Purpose:** This order will establish a procedure for SWAT and CNT when called out to conduct tactical operations in a critical incident.

SWAT and / or CNT shall respond to critical incidents in an organized manner consistent with their agency protocol and this procedure in order to deploy sufficient resources to successfully resolve the incident.

**Procedure:**

A. Establishment of the Tactical Command Post:

1. SWAT Team Members responding to a critical incident shall sign in at the Incident Command Post, then establish or report to the Tactical Command Post (TCP).
2. The location of the TCP should be close to the incident site but far enough away to allow SWAT Team Members to stage, attend briefings, and make contingency plans.

3. SWAT Team Members are responsible for assessing the situation, compiling information, and briefing other Team Members upon their arrival.

4. Initial responding CNT Members will establish a negotiation location/CNT Command Post. CNT Members will set up necessary equipment and prepare for assignments.

B. Containment of the Critical Incident:

1. Containment of the critical incident includes the containment of the suspect(s) and their location. This may require the establishment of an inner perimeter around the suspect, the object site, and evacuation of citizens.

2. When the suspect(s) is contained or located, CNT will attempt to initiate dialog with the subject(s) to negotiate surrender.

3. As SWAT Team Members arrive on scene, they may be immediately deployed to assist with containment of the suspect(s), site surveys of the scene itself, or other duties as assigned.

4. SWAT Team Members who are immediately deployed are responsible for assessing their individual areas of operation and providing intelligence information.

C. Briefings:

1. Officers or supervisors who have been on scene may conduct an initial briefing of SWAT / CNT personnel.

2. SWAT Team briefings concerning tactical deployment will be conducted by Team Members, Team Leaders, or the Tactical Commander.

3. The briefing information may come from patrol officers on scene, SWAT Team personnel assigned to perimeter positions, SWAT personnel assigned scouting missions, and CNT who will be gathering intelligence.

4. Briefings prior to implementing a tactical action will be conducted by Team Leaders or the Tactical Commander. They will include the Rules Of Engagement (ROE) and will be explained to every member of the SWAT / CNT in the mission.
5. The Tactical Commander shall ensure the Incident Commander is briefed on the tactical plan including contingency plans.

   a. The Tactical Commander will not execute the tactical plan without authorization from the Incident Commander, unless exigent circumstances occur.
   b. In some instances where SWAT personnel or other officers are compromised, it may be necessary to take action immediately.

D. Inspection:

1. Prior to leaving the staging area, every Member of the Team will be responsible for ensuring another Team Member inspects their equipment. The inspection will consist minimally of the following.

   a. Weapons check, to include locking and loading with live ammunition.
   b. Radio check of every person to make sure all radios are working and on the correct frequency.
   c. Individual equipment checks.

E. Gathering Intelligence and Scouting:

1. All SWAT / CNT personnel, including tactical officers and negotiators, are responsible for gathering intelligence and reporting their information through their Team Leaders to the Tactical Commander.

   a. Negotiators will obtain intelligence information from direct communication with the suspect, victims, and witnesses.
   b. Negotiators are also responsible for obtaining information by researching files and other data sources.
   c. When available, at least one Negotiator will assume the role of CNT intelligence coordinator.

2. SWAT tactical personnel are responsible for scouting the incident site and gathering and reporting information and intelligence that will aid in containing the suspect and planning for contingent courses of action.

3. Intelligence and information gathering and reporting will be ongoing throughout the incident.

F. Intelligence information:

1. Intelligence information at critical incidents will address the following areas:

   a. Subject Information:
i. When available, suspect information will include the number of suspects involved in the incident.

ii. The crime(s) committed by the suspect(s).

iii. The mental condition of the suspect(s) and the suspect(s) history.

b. Threat Conditions:
   i. Threat condition information, including the weapon used by the suspect or the weapons accessible to the suspect.
   ii. The number of hostages or potential hostages involved in the incident.
   iii. A description of any violence committed by the suspect before or after the police have arrived on scene.
   iv. A description of any communication between the police and the suspect including any demands or threats.

c. Incident Site Information:
   i. Incident site information, including a description of the suspect’s location and the type of structure, floor plan, vehicle, or area occupied by the suspect.
   ii. An assessment of necessary evacuation of citizens including the type structure to be evacuated; e.g., schools, business, apartment complex, etc.
   iii. If known, the position within the structure occupied by the suspect.

G. Tactical Deployment Plans:

1. Tactical deployment briefings include, but are not limited to, the deployment of SWAT Team personnel and others to contain the suspect.

2. Evacuation plans for the area around the incident site.

3. Deployment of an arrest / react team and contingency plans for alternative courses of action such as an entry team for rescue or searching, introduction of chemical agents, long rifle initiated assault, or negotiations and continued containment.

H. Tactical Contingency Planning:

1. During the course of an incident, SWAT Team personnel will work on contingency plans for alternative courses of action.
2. Tactical contingency plans may include the deployment of an arrest / react team, plans for use of chemical agents, or various entry plans, etc.

3. Tactical contingency plans should be rehearsed when possible at locations that are similar or approximate the objective site.

I. Conclusion of Incident:

1. At the conclusion of an incident, it is the responsibility of Team Leaders to account for all of their personnel and all assigned equipment. No member of the Team can leave the objective site until every Team Member has been accounted for.

2. The SWAT Team Leader, CNT Team Leader, and Tactical Commander shall meet at the conclusion of an incident and report on the status of personnel and equipment.

3. The SWAT Team will remain on scene, as necessary.

4. The Team Leader or his designee shall ensure an effective transition from the tactical operation to the investigative function.

5. The Tactical Commander will make a full oral report to the Incident Commander of the incident and others, as required, in the chain of command prior to releasing the mission.

6. The Team Leaders will assign reports to the appropriate Team members.

J. Reporting Requirements:

1. Tactical Officers and Negotiators may be required to write reports to complete the investigation.

2. The SWAT Team Leader and the CNT Team Leader will be responsible for assigning reporting requirements.

3. The SWAT Team Leader or his designee will be responsible for completing a SWAT Team After Action Report (AAR). The AAR will include all necessary documentation associated with the mission.

K. Tactical Debriefing:

1. Tactical debriefings may immediately follow the conclusion of the incident.
2. The tactical debriefing will include operational details of the mission, recommendations, comments, suggestions, and training or equipment issues to be addressed.

L. Critical Incident Stress Management Team:

1. Members of a department’s Critical Incident Stress Management Team may be requested to assist with a traumatic incident debriefing of Team Members.

2.3 – TACTICAL OPERATIONS: PLANNED EVENTS

Purpose: To establish procedures for SWAT / CNT conducting tactical operations for planned events.

The SWAT Team will respond to planned events in an organized manner consistent with this procedure and each Department’s policy. Ordinarily two CNT Members will participate with SWAT on the planned response. Planned operations should include sufficient intelligence information, tactical planning, and resources to effectively accomplish the mission and reduce associated risk factors.

Procedure:

A: Mission Planning:

1. Team Leaders and / or Team Members will be assigned to develop mission plans. All plans must be approved by the Tactical Commander before implementation.

B: Intelligence Information:

1. Team Leaders and / or Team Members will be assigned to gather Intelligence Information regarding the planned event, which may include surveillance up until implementation.

2. In planned events which involve high-risk search warrants and / or high-risk arrest warrants, efforts should be made to obtain the following information:

   a. Suspect Information:

      i. Suspect information should include the crime committed, history of prior violence, and the mental condition of the suspect.
ii. It should also include the suspect’s association with gangs or other groups that might increase the risk factor.

b. Threat Conditions

i. Threat conditions should include the type and number of the weapons the suspect is known to have in their possession or has access to.

ii. Threat conditions should also include any surveillance, police scanners, dogs, or other items or conditions that would alert the suspect to police presence.

c. Incident Site Information:

i. Incident site information includes the type of structure where the event is planned and information about the surrounding area.

ii. Information that impedes police movement or allows observation of police movement should be included.

iii. Diagrams, aerial photos, and ground photos of the objective site and the surrounding areas should be included when possible. These photos should be in sufficient detail to make tactical planning decisions regarding deployment of perimeter personnel, entry personnel, and breaching personnel.

d. Breaching Information:

i. Planned events that require high-risk entry should include as much detailed information about the primary and secondary breaching points as available, including photos and / or diagrams of the breaching point in sufficient detail to make tactical plans.

ii. The information should also include information regarding fortified doors and / or windows, and any other structural obstacles to breaching.

e. Tactical Deployment:

i. The operation plan will include the tactical deployment of all SWAT Team Members and other officers involved or assigned to the event.
ii. This information includes, but is not limited to, staging areas, route to the incident site, perimeter location, entry assignments, and command post locations.

iii. Two members of the CNT will accompany the Team on all deployments to begin negotiations if they become necessary.

f. CNT participation:

i. The Members of CNT will assist in gathering information in preparation for possible negotiations.

C. Tactical Operations Plan:

1. Operations plans will be documented on the SRU SWAT Team Tactical Operational Plan. The operational plan should follow this format as closely as possible.

2. In some instances it will be necessary to include or exclude categories.

3. The SWAT Team Tactical Operational Plan will be used for describing the overall mission, tactical assignments, and briefing.

D. Briefings:

1. Event Briefing:

   a. All personnel assigned to the operation will attend a briefing prior to the execution of the planned event, including support personnel such as the Patrol Sergeant, detectives and communications.

   b. The briefing should include information in the Operation Plan such as situation, mission, intelligence, concept of operation, coordinating instructions, and Rules Of Engagement.

2. SWAT Team Tactical Briefing:

   a. All SWAT Team personnel assigned to assist in the operation will attend the overall briefing and a tactical briefing.

   b. The tactical briefing should include tactical assignments, equipment, contingency plan, and the action the tactical units will take during the operation.

3. Rehearsals:

   a. When possible, SWAT Team personnel will rehearse the planned event prior to execution.

E. Tactical Operation:
1. The tactical operation of the planned event will be initiated in accordance with the Operational Plan.

F. Post Operation:

1. At the conclusion of the event, it is the responsibility of the Team Leader to account for his / her personnel and all assigned equipment. No member of the Team can leave the objective site until every Team Member has been accounted for.

2. Each SRU Team Member is responsible for the safe return of assigned equipment.

3. Team Leaders and Team Members shall meet with the Tactical Commander or his / her designee at the conclusion of the operation and report on the status of personnel and equipment.

4. The SWAT Team will remain on scene until all reporting requirements have been assigned.

5. The Team Leader shall ensure an effective transition from the tactical operation to the investigative function.

6. The Tactical Commander will make a full oral report to the Incident Commander of that particular agency that has jurisdiction over the incident before releasing the mission.

G. Reporting Requirements:

1. SRU personnel may be required to write reports to complete the investigation.

2. Team Leaders shall be responsible for assigning required reports.

3. The SWAT/CNT Team Leader or their designee will be responsible for completing a Team After Action report (AAR). The AAR will contain all documentation associated with that element’s mission. These reports will be maintained in the Team files by the Logistics Commander.

H. Tactical Debriefing:

1. Tactical debriefings may follow the conclusion of the incident.
2. The tactical debriefing will include operational details of the mission, recommendations, comments, suggestions, and training or equipment issues to be addressed.

I. Critical Incident Stress Management Team:

1. Agency CISMT may be requested to assist with a traumatic incident debriefing of Team Members.

2.4 – INDIVIDUAL RESPONSIBILITIES

Purpose: This order will establish command and supervisory responsibilities for SWAT / CNT during operations.

Command and supervisory personnel are responsible for implementing the Statewide Emergency Management System (SEMS) at critical incidents. They will assume responsibilities during operations commensurate with this procedure and the agency with jurisdiction over the incidents policies.

Procedure:

A. Incident Commander:

1. The Incident Commander for the venue agency is in charge of the overall incident and responsible for all aspects of that critical incident. This includes all personnel and equipment as well as the incident outcome.

2. Activates the Incident Command System (ICS).

3. Makes assignments as required to support the operation by delegating responsibility and authority to qualified subordinates through mission tasking.

4. Authorizes the implementation of all tactical plans and strategies required at a critical incident.

5. Establishes the Incident Command Post.

6. Conducts briefings.

7. Reports to the Chief of Police or designee that has command over the incident.

B. Officer In Charge (OIC):
1. If designated, will have responsibility for the coordinated tactical response to the critical incident. Operational functions may include but are not limited to:
   
a. Establishment of the inner and outer perimeters; traffic posts; and deploy tactical and crisis negotiation team.
b. Ensures the evacuation of endangered non-involved parties.
c. Coordinates resolution of the critical incidents with Planning/Intelligence, Logistics, and Finance/Administration.
d. Exercises direction and control over on-going operational activities
e. Maintains log of operational issues.
f. Operational officer reports to the Incident Commander.

C. Tactical Commander (SWAT Team):

1. Has responsibility for all tactical ground operations conducted by personnel assigned.

2. Coordinates the formation of tactical plans.

3. Responsible for the implementation of tactical plans and assignment of specific missions to tactical teams.

4. Reviews assignments with subordinates.

5. Conducts post operation actions including debriefing.


7. Reports to the Operations Officer and Incident Commander and provides timely informational updates on the progress of the incident.

8. Reviews all reports of intentional and non-intentional weapons discharges associated with SWAT activities.

D. SWAT Team Leader:

1. Has direct supervision of tactical Team Members including entry teams, rescue teams, chemical agent teams, arrest / react teams, and inner perimeter teams.
   
a. Has responsibility for individual tactical assignments.

2. Is a member of the tactical planning team.

3. Has responsibility for the implementation of tactical plans and makes essential changes to plans.
4. Responsible for post-operational procedures including accounting for all personnel, equipment, and reporting assignments.

5. Participates in tactical debriefings.

6. Reports to the Tactical Commander.

E. CNT Commander:

1. Has responsibility for all CNT operations conducted by personnel assigned.

2. Coordinates the formation of negation tactics/plans.

3. Reviews assignments with subordinates.

4. Conducts post operation actions including debriefing.

5. Establishes a CNT Command Post.

6. Reports to the Operations Officer and Incident Commander and provides timely informational updates on the progress of the incident.

F. Crisis Negotiation Team Leader:

1. Has direct supervision responsibility for negotiations Team Members.

   a. Delegates individual negotiator assignments.

2. Is a member of the tactical planning team.

3. Has responsibility for the negotiations process and directs changes to negotiations strategies.

4. Responsible for post-operational procedures including accounting for all personnel, equipment, and reporting assignments.

2.5 - K9 INTEGRATION AND UTILIZATION

Purpose: To establish policies and procedures for K9 integration, deployment, and subsequent record management with the SRU. The SRU may integrate SRU member agency K9 teams to be utilized in tactical situations. K9 handlers will be responsible to maintain mandated training standards and provide documentation of training to SRU command staff.

Procedure:
A. Selection: The selection criteria for K9 teams integrated and utilized by SRU include, but are not limited to:

1) K9 handlers shall be current members of SRU in good standing that are currently assigned as K9 handlers with their agency.
2) K9’s shall be deemed suitable for use in tactical situations requiring use of SRU by the SRU Commander and K9 handler.
3) Approval of SRU member agency head.

B. Training: K9 handlers assigned to SRU are expected to train with their K9 and SRU at the monthly SRU training. K9 handlers will attend a POST approved S.K.I.D.D.S. (SWAT-K9 Integration During Deployment School) or similar approved specialized training. K9 handlers will fulfill their minimum mandated monthly department and POST training requirements.

C. Documentation: K9 handlers will maintain their monthly training records to include their mandated POST training, ongoing inter-department training, additional outside training, and training with the SRU.

K9 handlers will provide the SRU Commander or designee with documentation of their K9’s training for each calendar year. A summary of training topics covered and total hours in each topic shall suffice.

D. Deployment: Deployment of K9’s teams integrated with SRU during tactical operations shall be the decision of the Tactical Commander and shall follow acceptable K9 deployment procedures of the allied agencies.

The SRU Commander, Tactical Commander, Team Leader, or K9 handler shall have authority to not deploy the dog. The K9 handler will evaluate each situation and determine if the use of the K9 is technically feasible.

Due to the nature of SRU tactical operations, it is recognized it may not be feasible nor recommended to make announcements or warnings of the use of the K9.

The K9 handler shall make all their department specific required notifications and complete all their department specific required reports regarding the use of their K9 while deployed with the SRU. Copies of the report(s), except reports used for departmental internal review purposes only, will be forwarded to the venue agency that requested the activation and use of the SRU.

3.1 – TESTING / SELECTION PROCESS FOR SWAT
**Purpose:** To establish minimum entry-level standards and a testing process for applicants interested in becoming members of the SRU SWAT Team.

The SRU will fill vacancies from the ranks of the participating law enforcement jurisdictions pool of qualified candidates. Qualified peace officers from participating departments may become members of the SRU.

1. Peace officers from SRU participating agencies must meet all standards, qualifications, and training required who are selected for SWAT.

2. The needs of the SRU and the overall needs of the participating agencies will govern selection and testing of potential Team Members.

3. A minimum standard will be used for candidates interested in the SWAT Team.

**Procedure:**

**A. New Position Announcements:**

The SRU Commander or designee will post an announcement for the position throughout the participating agencies. Officers interested in the assignment will complete and submit a memo of interest to their Chief of Police.

**B. Minimum Entry Qualifications for SWAT Team applicants:**

1. Must have successfully completed their agencies FTO program.
2. Ability to pass the SWAT Team’s rifle / pistol qualification course.
3. Ability to pass a physical fitness test as set by the SWAT Team.

**C. Entry Level Qualifications:**

1. Must be in good physical condition.
2. Successful performance on an Oral Board Examination.
3. Maintain good work attendance record with no indications of abuse.
4. Maintain a good working relationship with peers and supervisors.
5. Overall standard job performance as expressed in Personnel Records may be considered.

**D. Testing Process for SWAT Team Applicants:**
The testing process for SWAT operators will consist of an oral panel, a PT test, as well as a handgun/rifle qualification. The SRU Commander will determine the order of testing.

1. A physical fitness test will be conducted for all candidates. The testing will be conducted by SWAT Team Members and test results will be forwarded to the SRU Commander. (See Appendix 6.1 for physical fitness tests administered to SWAT Team Members and applicants.)

2. Candidates will be tested to assess their handgun and rifle shooting skills. Candidates must pass the SWAT Team handgun and rifle qualification course to complete this part of the testing. Candidates will have two attempts to pass the course. The range shoot will be conducted under the supervision of SWAT Team range personnel. (See Appendix 6.2 for SWAT Team handgun and rifle qualification course.)

3. Candidates will be invited to an oral interview. The interview panel will consist of SWAT Team Members and others as determined by the SRU Commander.

4. Candidates who successfully complete the testing procedure will be placed on an eligibility list. Vacant positions will be filled off of the list. The length of the eligibility list will be determined by the SWAT Team Leader and the SWAT Team Commanders.

Selection of candidates for the SWAT Team shall be made by the SWAT Team Leader and the SWAT Team Commander, subject to final approval of the SRU Commander and Chief of Police for the agency the officer represents.

5. After selection to the Team, new SWAT Team Members must successfully complete a Basic SWAT school. Completion of the Basic SWAT course is a condition for membership on the SWAT Team.

6. The Chief of Police from each agency will have the final authority for the appointment of any person from their agency to the SRU.

3.2 – PHYSICAL FITNESS STANDARDS AND TESTING FOR SWAT
**Purpose:** This order will establish policy for the minimum standards of physical fitness for SWAT Team Members.

The SWAT Team will establish physical fitness standards to require physical fitness among its members and for the purpose of enabling them to accomplish any given mission.

**Procedure:**

A. Physical fitness testing will be utilized to measure minimum levels of physical fitness for a Member of the SWAT Team. Physical fitness testing for SWAT Team Members will be conducted at least two times a year. (See Appendix, 6.1)

B. SWAT Team Members who are unable to pass the physical fitness test will be reported to the SWAT Team Commander. The SWAT Team Commander will make the decision on the particular SWAT Team Member involved regarding future levels of participation in SWAT Team call outs and activities. This decision will be based on the individual Member’s physical fitness test scores, the deficient areas of testing and any special considerations regarding the deficient areas, and the Member’s overall value to the Team.

C. Any Member failing the physical fitness test will be given 30 days to remediate the entire physical qualification course. During this period, the Member may be considered inactive at the discretion of the SWAT Team Commander. The re-test will be conducted by the SWAT Team Leader with another SWAT Team Member present.

D. Failure to maintain the fitness standards or failure to remediate in the specified time may result in dismissal from the Team (Refer to Removal Process, Section 3.5).

### 3.3 – SWAT TEAM WEAPONS STANDARDS / TESTING

**Purpose:** To establish standards of firearm proficiency for SWAT Team Members.

The SWAT Team maintains in its inventory special weapons for the purpose of providing tactical flexibility and effectively operating in a variety of situations. SWAT Team Members will maintain an acceptable level of proficiency with all weapons employed by the Team. The SWAT Team will provide training and testing for all Team Members to ensure familiarity and proficiency with such weapons.
A. Each SWAT Team Member will be assigned two or more special weapons depending on their team assignment, training and qualifications. Some of these weapons will be the same as their individual agencies duty weapons.

1. Each Team Member assigned a special weapon is responsible for its care and maintenance.

2. Team Members may employ any weapon in the SWAT arsenal if they have demonstrated proficiency.

B. SWAT Team Members will be required to shoot a passing score with all weapons employed by the SWAT Team, excluding long rifles, unless part of the long rifle/observer team (refer to qualification standards, Appendix 6.1).

1. Qualification courses shall be fired on a bi-annual basis. Each year Team Members shall be required to qualify with their weapons wearing their issued gas mask once, annually.

2. The Team’s Firearms Instructors may adjust the course of fire and the minimum qualification standards, as he/she deems appropriate with the approval of the SWAT Team Commander.

3. Each participating agency will be required to provide a letter indicating that all SWAT operators from their agency are in compliance with agency qualification requirements on both handgun and tactical rifle (see Appendix 6.4 for Sample Agency Firearms Qualification Compliance Letter).

C. SWAT Team Members will be required to demonstrate knowledge of the function and nomenclature of all weapons employed by the Team. The demonstration and knowledge regarding each special weapon will be to the satisfaction of a SWAT Team Firearm’s Instructor.

3.4 – TESTING / SELECTION PROCESS FOR CNT
**Purpose:** To establish minimum entry-level standards and a testing process for applicants interested in becoming members of the SRU CNT.

The SRU will fill vacancies from the ranks of the participating law enforcement jurisdictions pool of qualified candidates. Qualified peace officers from participating departments may become members of the SRU.

1. Peace officers from SRU participating agencies must meet all standards, and training required who are selected for CNT.

2. The needs of the SRU and the overall needs of the participating agencies will govern selection and testing of potential Team Members.

3. A minimum standard will be used for candidates interested in CNT.

**Procedure:**

**A. New Position Announcements:**

The SRU Commander or designee will post an announcement for the position throughout the participating agencies. Officers interested in the assignment will complete and submit a memo of interest to their respective Chief of Police.

**B. Minimum Entry Qualifications for CNT Applicants:**

1. Must have successfully completed their agencies FTO program.

**C. Entry Level Qualifications:**

1. Successful performance on an Oral Board Examination.
2. Maintain good work attendance record with no indications of abuse.
3. Maintain a good working relationship with peers and supervisors.
4. Overall standard job performance as expressed in Personnel Records may be considered.

**D. Testing Process for CNT Applicants:**
1. Applicants will participate in an oral interview panel. The interview panel will consist of CNT Team Leaders and others as determined by the SRU Commander and CNT Commander.

2. Candidates who successfully complete the testing procedure will be placed on an eligibility list. Vacant positions will be filled off of the list. The length of the eligibility list will be determined by the CNT Team Leader and the CNT Commander. Selection of candidates for CNT shall be made by the CNT Team Leader and the CNT Commander, subject to final approval of the SRU Commander and Chief of Police for the agency the officer represents.

3. After selection to the Team, new CNT Members must successfully complete a Basic Hostage Negotiation course. Members should also attend Domestic Violence for Hostage Negotiators, Hostage Negotiation Update 1, and Crisis Intervention Training as available and appropriate.

4. The Chief of Police from each agency will have the final authority for the appointment of any person from their agency to the SRU.

3.5 – REMOVAL PROCESS

**Purpose:** The purpose of this section is to establish guidelines for removal of SWAT / CNT Members.

Membership and participation in the SRU’s SWAT / CNT Team is “at will”. Members may be removed at any time without recourse.

**Procedure:** The following are general examples for when a Team Member may be removed from SWAT / CNT. The below examples are by no means the only grounds for removal.

A. Failure to meet physical fitness standards.
B. Failure to demonstrate proficiency with assigned weapons.
C. Failure to attend or significantly participate in training as directed by the Team Leader.
D. Inability to work with other Team Members or inspire the confidence of fellow Team Members, the Team Leader or SWAT Commander.
E. Actions either at training, on call-outs, during regular duty assignments, or off duty that demonstrate poor judgment.
F. Voluntary resignation or leave of absences.

Team Members removed from the Team will receive an intra-office communication advising them when their participation is terminated.
A. All equipment, weapons, gear and uniforms will be returned to the Team Leader upon termination.

B. Since SWAT / CNT participation requires a high level of personal commitment and training, decisions to remove a Team Member will not be undertaken lightly.

1. Whenever practical a Team Member will be counseled on deficiencies and encouraged to correct deficiencies before removal from the team is considered.

2. Decisions to remove a Team Member may be recommended by the Team Leader but will be finalized by the SRU Commander, after consultation with the Team Member's Chief of Police.

3.6 – SWAT TEAM UNIFORM SPECIFICATIONS

Purpose: This order will establish a policy for the uniforms worn by the SWAT Team.

Procedure: SWAT Team Members will be issued a total of two tactical uniforms. The uniforms will be digital camo worn during high-profile operations; i.e., High Risk Warrant Service. One of the uniforms should be a training uniform, and the second uniform will be reserved for call-out operations.

Specifications:

A. Baseball Cap:

1. Black cap.

2. The front of the cap will display the embroidered SRU logo.

3. Caps are to be worn in the “forward” position and are to be in good condition.

B. “Battle Dress Uniform” Long Sleeve Shirt:

1. BDU long-sleeve shirts are to be “digital camo” in a color approved by the SRU Commander.
2. Uniform shirts are to have subdued SRU patches attached to each shoulder, unless otherwise authorized by the Team Leader. Patches may be displayed on “outer-most layer of clothing” to include tactical/ballistic vests.

3. One large “POLICE” patch, attached to the rear of the uniform shirt, or the outer-most layer of clothing.

4. All uniform shirts will bear the Team Member’s last name above the right breast pocket.

5. “BDU” shirts must be free of wrinkles and have a clean and neat look to them. It is not necessary for the “BDU” shirt to be “Military Pressed”.

C. “Battle Dress Uniform” Long Pants:

1. “BDU” long pants are to be “digital camo” in a color approved by the SRU Commander.

2. “BDU” long pants must be free of wrinkles and have a clean and neat look to them.

D. “T-shirts”:

1. T-shirts are to be worn under the “BDU” shirt. T-shirts are also to be worn as a uniform shirt during physical fitness training.

2. T-shirts can be either long sleeve or short sleeve. T-shirts are to be black in color.

3. T-shirts may display the embroidered SRU Team logo on the left breast.

4. If an SRU Team shirt is not available, an all-black T-shirt can be worn. The black T-shirt must be free of logos.

5. Extremely faded black T-shirts are also unacceptable.

E. Belts:

1. Only approved “military” style belts or nylon webbing belts will be acceptable.
2. All belts must be black in color. Belt buckles must also be black in color.

F. Tactical Duty/Gun Belt:

1. The tactical duty / gun belt must be constructed of nylon webbing. All equipment attached to the duty / gun belt must be black in color, unless a different style is approved by the SRU Commander.

2. Equipment pouches or holsters that have been dyed black must be completely black. If fading occurs, the item must be re-dyed.

G. Socks:

1. Socks will be black in color.

H. Boots:

1. Boots must be above the ankle and black in color. Boots are to be clean and neat looking.

I. Physical Fitness Training – Uniform Sweat Shirt:

1. Sweat shirts are allowed to be worn over the above-described T-shirt. Sweat shirts are to be long sleeve, and are to have no logo’s on them, unless they have the SRU logo.

2. Extremely faded sweat shirts are also unacceptable.

J. Physical Fitness Training – Running Shorts / Sweats:

1. Physical fitness running shorts or sweats are to be in good condition and not faded.

2. Tight fitting "bicycle" type shorts worn under shorts must be black in color.

3.7 – CNT TEAM UNIFORM SPECIFICATIONS

Purpose: This order will establish a policy for the uniforms worn by the CNT.
CNT Team Members will generally be expected to respond immediately to the scene of an incident without the benefit of being able to stop and change into a specific uniform. For this purpose, CNT personnel will be issued attire with the designation “Negotiator” on the back and on the front.

When attending planned events or training, CNT personnel will be expected to wear a dark blue SRU polo shirt, black pants, or other clothing approved by the CNT Commander.

**Specifications:**

**A. Baseball Cap (optional):**

1. Black cap.

2. The front of the cap will display the embroidered SRU logo.

3. Caps are to be worn in the “forward” position and are to be in good condition.

**B. SRU Polo Shirt:**

1. Polo shirts shall be dark blue in color and display the SRU logo over the left front chest.

**C. CNT Uniform Pants:**

1. CNT members will wear black pants, preferably tactical (5.11 style), or other pants that have been approved by the CNT Commander.

**D. Shoes/Boots:**

1. CNT members will wear black shoes or boots with black socks (if visible).

**E. External Assault Shell:**

1. External assault shells (equipped with ballistic panels) with “NEGOTIATOR” designations on the front and rear of the vest will be maintained by the CNT team and assigned to CNT members that may be in a “forward” negotiation position where protection is required.
2. CNT members will generally be expected to respond directly to the scene of an incident and should have their personal body armor readily available for their protection and identification purposes.

3. CNT members are encouraged to keep shells in their POV or Department take-home car at all times to assure availability during a response.

4.1 – SWAT & CNT TEAM LEADERS

**Purpose:** To establish standards for SRU SWAT and CNT Team Leaders
Team Leaders shall be qualified veteran operators of any of the member agencies for the SRU who are also members of SWAT or CNT.

A. Team Leaders shall be instrumental in developing outlines and summaries for monthly training session and submitting these documents to the SRU Commander for approval and retention.

B. Team Leaders will work with the Tactical and CNT Commanders respectively to develop strategies and options during operations.

C. Team Leaders are expected to assign and direct team members during training and operations.

**Standards:** Team Leaders will be selected based on demonstrated leadership ability, experience, dedication, performance, and organizational skills.

**Selection:** Candidates for Team Leader positions will be identified by Tactical and CNT Commanders respectively and the final selections will be made by the SRU Commander in conjunction with the selectee’s respective Chief of Police and the SRU Board of Chiefs.

### 4.2 – STANDARDS FOR LONG RIFLE / OBSERVER TEAMS

**Purpose:** To establish standards for SRU SWAT Team Long Rifle / Observers.

Long Rifle Operators and Observers shall be qualified employees of any of the member agencies for the SRU who are also members of the SWAT Team.

D. During critical incidents the Long Rifle/Observers have primary responsibility for gathering and reporting information to the Tactical Command Post.

E. In critical events the Long Rifle / Observer may be required to utilize deadly force on command to prevent the loss of innocent life.

**Standards:** Long Rifle / Observer Team Members will be selected based on proven ability and are expected to maintain the acceptable proficiency to effectively perform the duties of the position.

A. Long Rifle / Observers shooting skills shall consistently meet the established marksmanship standards.
marksman ship skills and proficiency.

2. Each Department will provide ammunition and training time as needed to ensure Long Rifle / Observer proficiency.
   a. On-duty time will be available to maintain marksmanship skills.
   b. This training time will consist of 10 hours of training per month specific to Long Rifle / Observer duties, in addition to the 10 hours standard time per month for all members of the SWAT Team.
   c. Long Rifle / Observers will record all practice sessions and each individual shot in a Shooting Log.

3. Long Rifle / Observers will attend a POST approved basic Long Rifle / Observer school prior to being deployed.

B. Long Rifle Operators / Observers will participate in training specific to their specialty.
   1. Long Rifle Operators will be aware of the tactics and operational functions of command and the individual teams to fully utilize their skills.

C. Observers will be trained to accurately observe, record and communicate what they see.

D. Long Rifle / Observers equipment at all times will be kept in working condition and ready to respond to a critical event or training.
   1. Equipment will be maintained clean and serviceable and subject to inspection at any time.
   2. Log books will be promptly and accurately maintained.
   3. Long Rifle / Observers will know the mechanics and proper care and maintenance of their assigned weapons.
   4. Malfunctions or damage to the weapons will be reported to the Team Leader and Team Rangemaster immediately for corrective action.
   5. All work or repairs to the weapon will be recorded in the proper rifle record.
4.3 – DEPLOYMENT OF LONG RIFLE / OBSERVER TEAMS

**Purpose:** To establish deployment guidelines for deployment of Long Rifle / Observer Teams.

Long Rifle / Observer Teams may be deployed to positions of greatest advantage during critical incidents, while recognizing they may be required to utilize deadly force under departmental guidelines.

**Procedure:**

A. Long Rifle / Observer Teams shall confirm the Rules of Engagement prior to deploying.

B. Long Rifle / Observer Teams will deploy in teams of two, if at all possible.

C. Long Rifle / Observers will proceed to their assigned vantage point.

1. Once Long Rifle / Observers are in position, they will notify Tactical Command of their location and observations.

   a. Long Rifle / Observers are to maintain an advantageous position to observe and contain the incident area.

   b. If the Long Rifle / Observer identifies a better vantage point than assigned, they shall request permission from the Tactical Command Post to reposition themselves and await instructions to move.

   c. They will remain in position until relieved by the Team Leader or Tactical Command.

   d. All position and status changes shall be reported to Tactical Command.

2. Long Rifle / Observers will stay in visual or whisper distance to support each other and maintain perimeter integrity.

3. Long Rifle / Observers will rotate “On-Gun” duties to minimize fatigue.
a. If both members of the Long Rifle / Observer team are Snipers, they may both be “On-Gun” if needed, but this time should be limited as much as possible.

b. Snipers will both be “On-Gun”, if practical, when entry teams approach a target to provide cover for the teams.

c. Snipers may both be “On-Gun” for simultaneous shots and for Tactical Command initiated shots to ensure neutralization of the suspect(s).

4. Once Entry Teams enter a target, Long Rifle Operators shall not take a shot inside the target area **absent exigent circumstances**.

   a. They must, however, remain alert to observe, cover, and contain the scene.

   b. Long Rifle / Observers are to remain alert to report and act upon possible injuries to Entry Team Members, to cover retreating Team Members, and for escaping suspect(s).

   c. Should a suspect be observed preparing to, or shooting at Entry Team members, the Sniper may decide to use lethal force consistent with the adopted use of force policy for the SRU Team.

5. Call-Out Log will be maintained while on scene.

   a. Long Rifle / Observers are to update Tactical Command and record the information in their logs.

6. Long Rifle / Observers will remain on-scene throughout the event until properly relieved by the Team Leader or Tactical Command.

   a. At the end of a critical event, the Long Rifle / Observer Teams will de-brief to consolidate and review logs and discuss the various aspects of the event.

7. The Team Leader will collect all logs and reports.

4.4 – LONG RIFLE PROFICIENCY STANDARDS AND TESTING
**Purpose:** To establish standards required for selecting Long Rifle / Observers.

Long Rifle / Observers will be a qualified law enforcement employees selected from the agencies participating in the SRU Team based on demonstrated skills and ability.

A. Qualifications:

1. Selection: Long Rifle / Observers will be selected by the SWAT Commander and Team Leader, with approval by the officer’s Chief of Police. Criteria will include, but not be limited, to: good judgment, physical condition, marksmanship, dependability, SWAT knowledge, leadership and conduct. Long Rifle / Observers shall maintain membership on the SWAT Team.

2. Active Status – Observer & Long Rifle: The Observer will be assigned to a fully trained Long Rifle / Observer team on call-outs. The Observer will carry an assigned sidearm and/or secondary weapon with which they have qualified. To become a Long Rifle Operator, the Observer must successfully complete a Basic Long Rifle course.

3. Inactive Status: Failure to maintain minimum fitness standards or adequate marksmanship can result in placement in an inactive status as a Long Rifle / Observer.

   a. Physical Fitness: Inability to complete the physical fitness qualification shall result in an inactive status. If inactive due to an injury or medical condition, the Member has ninety days from the date they are returned to full duty status to re-qualify.

   b. Marksmanship Skills: Inability to maintain marksmanship skills shall immediately result in Observer status or removal from the Long Rifle / Observer Team.

   c. Conduct: Removal from the Long Rifle / Observer Team will be at the discretion of the SWAT Commander.

B. Testing
1. Physical Fitness Testing: Long Rifle / Observers will meet or exceed the minimum physical fitness standards established for the SWAT Team.

2. Marksmanship Testing: Rifle marksmanship tests will be conducted up to four times a year, with a minimum of two.
   
   a. Any Member who cannot attend a scheduled marksmanship test must qualify within 30 days of the scheduled test date.
   
   b. If a Member cannot pass the marksmanship tests, the Member must re-test another day in the presence of the Team Leader or Assistant Team Leader or a SWAT range master.
   
   c. Rifle marksmanship re-testing should be done as soon as possible, since the Member is automatically reduced to Observer status upon failure.

4.5 – TEAM TRAINING POSITIONS

**Purpose:** To define the responsibilities of SWAT Team personnel who train others in specialized aspects of SWAT Team operations.

Instructors are responsible for training and qualifying Team Members in the safe use and deployment of specialized equipment and specialized aspects of SWAT Team operations.

**Procedure:**

**A. SWAT Team Firearms Trainer.**

1. Firearm Trainers must successfully complete a Firearms Instructor Course that has been approved by the Tactical Commander.

2. Firearm Trainers are responsible for maintaining and updating the SWAT Team’s courses of fire as they pertain to all qualification courses.

3. Firearm Trainers will attend updated training and maintenance of their training skills as required by POST.

4. Firearm Trainers are responsible for documenting all firearms training sessions to the SWAT Team Leader.
4. Firearm Trainers are responsible for maintaining an inventory of all specialty ammunition maintained by the SWAT Team.

B. Chemical Agent Trainer.

1. Chemical Agent Trainers will successfully complete a Chemical Agent Instructor course that has been approved by the Tactical Commander.

2. Chemical Agent Trainers are responsible for maintaining and updating SWAT Team Member’s skills as they pertain to the application and/or exposure to chemical agents.

3. Chemical Agent Trainers will attend a Chemical Agent course for updated training and maintenance of their training skills as required by POST.

4. Chemical Agent Trainers are responsible for maintaining an inventory of all chemical agents maintained by the SWAT Team. Chemical Agent Trainers are also responsible for the procurement of all SWAT Team chemical agents. These purchases shall be made in accordance with normal departmental procedures.

5. Chemical Agent Trainers shall be responsible for the disposal of all expired and/or used chemical agents.

C. Diversionary Device Trainer.

1. Diversionary Device Trainers must successfully complete a Diversionary Device Course that has been approved by the Tactical Commander.

2. Diversionary Device Trainers are responsible for maintaining and updating the SWAT Team’s training and qualification as they pertain to the deployment of diversionary devices.

3. Diversionary Device Trainers will attend at least one course related to diversionary devices for updating training and maintenance of their training skills as required by POST.

4. Diversionary Device Trainers are responsible for maintaining an Inventory of all diversionary devices maintained by the SWAT Team. The inventory and disposal of diversionary devices shall be in accordance with local, state, and federal guidelines.
D. Breaching Trainer (Shotgun).

1. Breaching Trainers must successfully complete a Breaching Instructor Course approved by the Tactical Commander.

2. Breaching Trainers are responsible for maintaining and updating the SWAT Team’s courses of fire as they pertain to shotgun breaching entry techniques.

3. Breaching Trainers will attend at least one course related to shotgun breaching techniques for updated training and maintenance of their skills as required by POST.

4. Breaching Trainers are responsible for documenting all breaching Training sessions to the SWAT Team Leader.

5. Breaching Trainers are responsible for maintaining the inventory of shotgun entry ammunition maintained by the SWAT Team. Breaching Trainers are also responsible for the procurement of SWAT Team munitions used for breaching. These purchases shall be made in accordance with normal departmental procedures.

E. Less Lethal Trainer.

1. Less Lethal Trainers must successfully complete a Less Lethal Instructor Course approved by the Tactical Commander.

2. Less Lethal Trainers are responsible for maintaining and updating SWAT Team’s courses of fire as they pertain to less lethal munitions.

3. Less Lethal Trainers will attend at least one course related to less lethal munitions for updated training and maintenance of their skills as required by POST.

4. Less Lethal Trainers are responsible for documenting all less lethal training sessions to the SWAT Team Leader.

5. Less Lethal Trainers are responsible for maintaining the inventory of Less lethal ammunition maintained by the SWAT Team. Less Lethal Trainers are also responsible for the procurement of the SWAT Team’s less lethal munitions. These purchases shall be made in accordance with normal departmental procedures.
5.1 – USE OF CHEMICAL AGENTS

**Purpose:** Establish guidelines for the safe introduction and use of chemical agents during call-outs and training exercises.

Chemical agents may be deployed to incapacitate dangerous or hostile subjects, unruly persons, or to overcome resistance to lawful law enforcement actions. SWAT may tactically deploy chemical agents to induce suspect(s) movement or deny or restrict movement and access to areas. They will be deployed under the below guidelines and only with the concurrence of the Tactical and Incident Commander.

**Definition:** For the purpose of this policy, chemical agents are defined as any liquid, solid, or micro-pulverized non-lethal substances which can be fired, launched, thrown, or otherwise propelled for the purpose of dislodging a barricaded suspect or sniper to facilitate the arrest procedure.

Examples of chemical agents include CN, CS and OC. Delivery methods include Ferret rounds, blast dispersion rounds/canisters, burning canisters and barricade penetrating rounds.

**General:**

A. The deployment of chemical agents is a tactical option that may be selected with the goal of protecting life and property and/or restoration of order. It is considered a “use of force” option and should be applied consistent with use of force at the level of OC.

1. The decision to deploy chemical agents will be solely the responsibility of the Incident Commander.

2. Generally this option will be exercised after the suspect has been given opportunities to surrender.

   a. The Incident Commander is satisfied that negotiations have been exhausted, or communication with the suspect will not result in the suspects' surrender.

B. The deployment of this non-lethal option is intended to resolve the situation without creating a confrontation between the police and the suspect.

   1. The deployment of chemical agents is to make the suspect's environment so uncomfortable that he/she seeks
to exit the structure or vehicle and can be safely taken into custody by an arrest team.

2. It is never the intent of SWAT to punish the suspect by using these devices.

Procedure: Only Team Members who have successfully completed training approved by the SWAT Commander in the proper use and deployment of chemical agents shall be authorized to use them during actual operations.

A. The Tactical Commander should arrange to have the Fire Department stand by before releasing CS or CN and consider evacuating areas around the objective site that may be effected by the application of those chemical agents.

1. The Tactical Commander should make every effort to determine whether there are infants, handicapped or developmentally disabled individuals or others with special needs that may be adversely affected in the specified deployment site.

2. The Team Member assigned to deploy the chemical agents will develop a Chemical Agents Deployment Plan that will determine how much agent will be used.

   a. Where it will be introduced.
   b. How it will be deployed.
   c. The plan will then be presented to the Team Leader and Tactical Commander.

B. Prior to the introduction of chemical agents, contingency plans will be made for unexpected reactions by the suspect to the chemical agents and/or the failure of the chemical agent to affect the suspect.

C. CS and CN Chemical Agent Deployment Teams will have at least two members.

1. One Team Member will be assigned to deploy CS or CN and the other will be assigned to protect or "cover" the Team Member deploying these chemical agents.

   a. Prior to the deployment both Team Members will inspect the munitions to avoid confusion or errors.
2. In some situations more than one Chemical Agent Deployment Team may be deployed.

3. Once the Chemical Agent Deployment Team(s) are in place, they will advise the Tactical Command Post.

4. The Tactical Commander will advise them when to deploy the munitions and this order will be repeated by the Chemical Agents Deployment Team to eliminate any confusion.

5. During deployment, the deploying officer and "cover" officer shall wear their chemical agent masks or have them readily available.

**Post Incident:**

A. The Tactical Commander will ensure First Aid is administered to subjects coming into contact with the chemical agents.

B. The Tactical Commander will ensure the responsible party for the site is given decontamination instructions for the site.

**5.2 – USE OF DIVERSIONARY DEVICES**

**Purpose:** To establish a guideline regarding the use of Flash/Sound Diversionary Devices for the SWAT Team.

Only those personnel who have successfully completed training as approved by the SWAT Commander which covers the proper deployment of flash/sound diversionary devices shall be authorized to deploy them in operations. Their use will be restricted to trained personnel.

**Procedure:** Except in extreme emergencies (i.e.; life-threatening situations), flash/sound diversionary devices shall not be used without prior authorization of the Incident Commander or Tactical Commander.

A. Generally, flash/sound diversionary devices may be considered whenever the use of a less lethal diversion would help facilitate entry, enabling arrest and potentially reducing the risk of injury by disorientation of potentially dangerous suspects.

B. Circumstances for the use of flash/sound diversionary devices shall include, but not be limited to:
1. Barricaded suspect and/or hostage situations
2. High-risk warrant services
3. In order to distract a violent person, mentally deranged persons or persons believed to be under the influence of alcohol/drugs and necessary to facilitate apprehension.
4. When the Incident Commander or Tactical Commander deems their use necessary to safely resolve an incident.

C. Prior to deploying flash/sound diversionary devices, SWAT Team Personnel shall consider all available intelligence information and circumstances (i.e., presence of small children or elderly persons, etc.) and shall evaluate the feasibility of alternative means of distribution.

D. Flash/sound diversionary devices should be deployed in an area visible to the deploying officer. The deploying officer will not throw the device at or near anyone.

E. When deciding whether to use diversionary devices, consideration will be given to the potential for fire danger resulting from the proximity to flammable materials.

F. Due to the fact flash/sound diversionary devices have the potential to ignite flammable materials, the Fire Department will be requested to stand by and a portable fire extinguisher will be readily accessible when there is a planned deployment of these devices. In any situation a flash/sound diversionary device is deployed, all SWAT Team Members in the area will wear Nomex hoods and gloves as appropriate.

G. The Tactical Commander will review the use of flash/sound diversionary devices, as soon as practical following each incident or operation to ensure the devices were used according to policy and that the devices functioned properly.

5.3 – USE OF LESS LETHAL AMMUNITION

**Purpose:** To establish a policy regarding the handling, deployment and reporting procedures for less lethal impact projectiles when used by SWAT.

The SWAT Team permits the use of less lethal munitions to assist with the de-escalation of potentially violent confrontations. Only personnel who have successfully completed training approved by the SWAT Commander
in the proper use and deployment of less lethal impact projectiles shall be authorized to use them during actual operations.

**Procedure:** The deployment and use of these devices can assist in achieving the goal of protection of life, property, and/or restoration of order.

A. Less lethal impact projectiles constitute a use of force and shall be deployed consistent with the level of the baton.

B. Less lethal weapons should be considered whenever the use of less lethal options could reduce the risk of more serious injury, assist in an arrest and/or the restoration of order.

C. Circumstances justifying the use of these munitions include, but are not limited to:

1. Restoration or maintenance of order during a civil disturbance.
2. Control violent/armed persons.
3. Subduing fleeing felons
4. Subduing vicious animals
5. Situations wherein the Incident Commander or Tactical Commander deems their use necessary to resolve an incident and minimize injury to those involved.
6. Any potentially dangerous suspect who fails to comply with Team Member’s commands.

D. Storage and Handling: Storage of less lethal munitions should conform to manufacturers' recommendations.

1. Generally, they should be stored in their original container in a cool dry place.

2. Munitions which have been removed from their original container shall be clearly and conspicuously identified as "less lethal" to prevent confusion with lethal munitions.

3. Under no circumstance will less lethal be kept in a manner, which might lead to confusion between less lethal munitions, lethal munitions, and chemical agents.

4. Generally, less lethal and lethal munitions should be stored in separate containers or cabinets.
5. Under no circumstances shall any person be authorized to alter in any manner any less lethal impact projectiles.

6. Misfires and duds shall be recovered, rendered safe and removed from service.

E. Use of Less Lethal Munitions

1. When deployment is necessary SWAT Team Members designated to deploy less lethal will load their respective weapons in the presence of another SWAT Team Member.

   a. Both Team Members shall examine the munitions prior to loading them into the weapon. Members will insure the correct less lethal ammunition is loaded into the weapon.

2. All less lethal deployment teams will include a minimum of two members.

   a. One member to deploy the less lethal munitions and the other(s) to provide cover.

3. The SWAT Team will designate shotguns and/or .40 mm launchers that are dedicated strictly to deploying less lethal munitions. These weapons will be clearly marked or color-coded for identification purposes.

4. If possible, prior to deploying the less lethal option, the SWAT Team Leader will advise the team by radio that less lethal munitions are about to be deployed.

5. Immediately after the deployment, the Team Member deploying the munitions will advise, via radio, the round fired was less lethal.

   a. These announcements are intended to alert team members of what is occurring and to eliminate "sympathetic fire."

6. Team Members shall not aim less lethal projectiles at the head, neck, or throat of any suspect unless lethal force would be appropriate.
F. Medical Considerations

1. Although less lethal munitions are designed not to be fatal, there exists a potential for these rounds to cause death or serious physical harm.

2. Every subject who is struck with a projectile will be examined by Paramedics at the scene.
   a. Upon the completion of the examination by paramedics, the subject will be transported to the hospital emergency room for evaluation and medical clearance.
   b. The subject must have medical clearance prior to being booked or placed on a psychiatric hold.

5.4 – SHOTGUN BREACHING PROCEDURE

Purpose: To establish a policy regarding the use of shotguns to breach doors and windows during high-risk entries.

Only those personnel who have successfully completed training approved by the SWAT Commander covering the use of a shotgun for breaching will be authorized to utilize this technique during operations.

Procedure: Except in extreme emergencies (i.e., life-threatening situations), shotgun breaching will not be used without prior authorization of the Incident Commander or Tactical Commander.

A. Generally, shotgun breaching may be considered whenever the use of less lethal force would help facilitate entry, enabling arrest and potentially reducing the risk of injury.

B. Circumstances for the use of shotgun breaching shall include, but not limited to:

1. Barricaded suspect and/or hostage situations.
2. High-risk warrant services.
3. In order to distract a violent person, mentally deranged person or persons believed to be under the influence of alcohol/drugs and necessary to facilitate apprehension.
4. When the Incident Commander or Tactical Commander deems their use necessary to safely resolve an incident.
C. Prior to breaching doors and windows with a shotgun, SWAT Team personnel shall consider all available intelligence information and circumstances (i.e., presence/location of small children or elderly persons, innocent parties, etc.) and shall evaluate the feasibility of alternative means of entry.

D. When employing the shotgun to breach secure accesses to buildings, the following steps will be taken.

1. Load the shotgun to capacity with tampered mass rounds.
2. Identify the target.
   a. Door locking mechanism
   b. Door hinges
   c. Bolts
   d. Window locks
   e. Padlocks
   f. Assess background

E. Shotgun breaching is potentially a lethal use of force, however, the technique is only to be approved when directed against inanimate objects.

F. The Tactical Commander will review incidents where the shotgun was used to breach doors and windows, as soon as practical following each incident or operation to ensure the technique was used according to policy.

**Equipment**

A. Ammunition

1. Tampered mass round (preferred) that breaks into non-lethal particles after the target is destroyed.
2. Although not designed for breaching, standard 12-gauge ammunition including buckshot, birdshot and rifle slug can also be utilized as breaching rounds. It is important to remember that a lethal projectile(s) will be introduced into the objective.
6.1 SRU PHYSICAL FITNESS TEST – Pass / Fail

1. Pull Ups

A SWAT Team Member must complete two (2) pull ups, wearing a tactical vest with trauma plate. For the pull up to count, the Team Member must start from a hanging position (palms forward) on a pull-up bar. The Team Member must pull their body weight up until their chin is above the pull-up bar. The Team Member must then lower their body until their arms are fully extended to the hanging position. All pull ups must meet the approval of the SWAT Team Leader.

2. Push Ups

A SWAT Team Member must complete thirty (30) push ups. For the push up to count, the Team Member must fully extend their arms, lower their chest to another Team Member’s fist (upright), and then return to the extended arm position. All push up movements must meet the approval of the SWAT Team Leader.

3. Crunches

A SWAT Team Member must complete fifty (50) crunches under 1:45 minutes. For the crunch to count, the Team Member must start with their shoulder blades flush on the ground. The Team Member must lift their shoulder blades completely off the ground, then return to the start position. All crunch movements must meet the approval of the SWAT Team Leader.

4. Obstacle Course

A SWAT Team Member must complete the ¾ mile obstacle course in under 10:00 minutes. The course will include a seven cone weave pattern on the first lap (cone pattern 4 yards wide, 5 yards apart). At the completion of the first lap, the Team Member will complete a ten (10) yard dummy drag (165 lb. dummy). The Team Member must lift the dummy from under the arms and drag the dummy completely through the 10 yard distance. The Team Member will then continue running and do a push up at a point outside each of the cones marking the seven cone weave pattern on the second lap.

On the third lap (last ¼ mile), a tactical vest will be worn. The Team Member will then run up and down a flight of stairs carrying a breaching ram. The Team Member will then complete a 10 yard “bear crawl” near the end of the course (hands and feet only on the ground).
6.2 SRU – SWAT HANDGUN / RIFLE QUALIFICATION COURSE

Rifle / Handgun Course – 50 Yard Range
Ammunition: 29 rounds rifle; 27 rounds handgun
Rifle: 2 ten round mags, 1 nine round mag
Handgun: 3 nine round mags
Gear: Full entry gear
Target: 1 target per Operator

Course Description:
The shooter starts at the paper targets (zero yard line) and runs to the 50 yard line. Shooting begins shooting at each station on order of the Rangemaster.

Rifle: 50 yard line. Using 10 round mag. The shooter will shoot 5 rounds kneeling, 5 rounds prone, all to center mass.

Rifle: The shooter moves to the 30 yard line. Using 10 round mag. 5 rounds standing; 5 rounds kneeling, all to center mass.

Rifle: The shooter moves to the 15 yard line. Using 9 round mag. 2 rounds standing, center mass; 1 round to the head. Repeat three times.

Transition to Handgun

Handgun (all standing): At 15 yard line. 3 rounds center mass. Repeat 3 times.

Shooter moves to the 7 yard line. 2 rounds to center mass; 1 to the head. 3 times.

Shooter moves to the 5 yard line. Two-hand grip: 3 head shots. Strong hand unsupported: 3 rounds center mass. Weak hand unsupported: 3 rounds center mass.

Reloading:
The shooter shall stop, advise of reloading when necessary, reload and then advise when coming back to the ready position. The shooter must be reloaded and ready to shoot, prior to moving to the next shooting station.

Scoring: This qualification is pass/fail. Any rounds off center mass/head is a fail.

The shooter is responsible for clearing all malfunctions. The Rangemaster may grant an alibi if there is sufficient cause.
6.3 MEMBER AGENCY – OPERATOR AVAILABILITY – EXAMPLE

**EXAMPLE/TEMPLATE**

POLICE DEPARTMENT

SRU ACTIVATION PROCEDURE
This activation procedure will be for unplanned critical incidents that require the use of Police Department personnel who are members of the SRU, both CNT and SWAT elements. Pre-planned incidents should not require this same procedure, as scheduling for patrol coverage and officer availability will be easier to coordinate when the date and time for a planned SRU operation is known (i.e.: search warrant/arrest warrant service).

General SRU Call-Out Procedure:
Once the SRU Commander confirms that the SRU will respond to a given unplanned critical incident, County Dispatch will send out a page for all needed team members. Each team member must then respond to the page by calling in to one of the designated SRU Commanders, giving their availability for the call-out and ETA to the scene, once cleared by their own agency. The individual team members then respond to the staging location after picking up any necessary assigned gear.

Police Department – Officer Availability Protocol:
- Once an SRU call-out page is sent from County Dispatch, individual team members will first contact the appropriate representative/supervisor from their own agency to confirm their availability to assist in the call-out. Availability depends on agency staffing, current assignment, etc. This will be done prior to notifying the SRU of their availability.

- Individual team members will understand that they are not exempt from normal Department responsibilities such as court, training, etc. just because there is an SRU call-out.

- Each member on the team must let their Team Leader know of any additional duties that may hinder their response on a call-out, such as a jury trial or other already planned duty assignment.

At times, officers will be allowed to respond to an incident for a certain time duration, then be replaced by other personnel so they can return to normal duties or other required assignments. This info should be relayed to SRU command.
April 17th 2017

Bill Clark, Commander, Monterey Peninsula Regional Special Response Unit
Monterey Police Department
351 Madison Street
Monterey, CA 93940

RE: Current weapons qualification letter for CITY NAME Police Department members of the Monterey Peninsula Regional Special Response Unit’s SWAT Team

CMDR Clark,

This letter serves as notification that CITY NAME Police Officers and members of the Monterey Peninsula Regional Special Response Unit’s SWAT Team: INSERT OFFICER NAMES HERE are currently handgun and rifle qualified pursuant to the CITY NAME Police Department’s policies and procedures regarding firearms training.

Sincerely,

RANGEMASTER NAME, Rangemaster
CITY NAME Police Department
Monterey Peninsula Regional Special Response Unit

Risk Assessment Matrix*

LOCATION: ___________________________ DATE: ___________________________

Instructions
Step 1: Read through each of the five sections and make a “✓” mark in the “highest risk” statement that applies to this incident for each of the five sections.
Step 2: Write the number in the section score box. Write “0” in the score box if the section does not apply.
Step 3: Add the numbers from each section score box and write the total in the “total score” box.

*The purpose of this matrix is to determine the need for Special Response Unit (SRU) deployment. While it cannot address every conceivable scenario, it is to be utilized as a guide to maximize officer and citizen safety. The Commander has the discretion to deploy SRU SWAT, CNT and other resources for extraordinary circumstances that this matrix may not address.

SECTION 1: CRIME(S) INVOLVED IN PLANNED OPERATION, SEARCH OR ARREST WARRANT ✓ POINTS

| Drug Crime                                      | 4 |
| Crime involving a firearm or crime against person | 8 |
| Homicide                                        | 10 |

Section Score

SECTION 2: CRIMINAL / MENTAL HISTORY OF PRIMARY SUBJECT OR INVOLVED SUBJECT(S) ✓ POINTS

| Subject(s) has a criminal arrest record          | 2 |
| Subject(s) has a criminal arrest record for drug crimes or crimes against persons | 4 |
| Subject(s) has resisted apprehension or search; or has utilized surveillance measures or tactics | 6 |
| Subject(s) has committed a violent felony, has gang affiliation, is suicidal, or has made threats to kill | 8 |
| Subject(s) has possessed dangerous weapons, firearms or explosives during any incident | 10 |

Section Score
### SECTION 3: METHOD OF ENTRY AND STRUCTURE TYPE

<table>
<thead>
<tr>
<th>POINTS</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use of a ram or other tools may be required for forced entry</td>
<td>4</td>
</tr>
<tr>
<td>Structure is significant in size and tactically challenging</td>
<td>8</td>
</tr>
<tr>
<td>Specialized breaching is required; location is “fortified”; “booby traps” or “guard dogs” are likely present</td>
<td>10</td>
</tr>
</tbody>
</table>

**Section Score**

### SECTION 4: AVAILABILITY OF FIREARMS / WEAPONS TO INVOLVED SUBJECT(S)

<table>
<thead>
<tr>
<th>POINTS</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firearms are believed to be present at the location of the operation</td>
<td>8</td>
</tr>
<tr>
<td>Subject(s) has access to assault weapons / high powered firearms</td>
<td>10</td>
</tr>
</tbody>
</table>

**Section Score**

### SECTION 5: ASSAULTS OR THREATS TO POLICE OFFICERS

<table>
<thead>
<tr>
<th>POINTS</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject(s) has assaulted police officers or has threatened police officers</td>
<td>10</td>
</tr>
</tbody>
</table>

**Section Score**

**TOTAL SCORE:**

**COMMENTS & ADDITIONAL INFORMATION:**

---

**Decision Matrix Guidelines:**

0-14 Points: Patrol supervisor or Investigations supervisor may handle planned operation or warrant service.

15-24 Points: Typically, SRU deployment is **recommended**. Planned operation or warrant service requires notification of the SRU Commander in advance, if possible.

25+ Points: Typically, SRU deployment is **mandatory**. Planned operation or warrant service requires notification of the SRU Commander in advance, if possible.
To provide a more meaningful exchange of information during your evaluation, please complete this form by _______________. Use additional sheets and provide pertinent attachments as necessary (commendations, certificates, etc.).

1) List non-sponsored schools, classes, seminars or other training you have attended during this rating period.

2) What additional experience or training would you like to obtain to enhance your professional development and/or job proficiency? How would this training help to further develop a professional and highly competent team of employees?

3) What do you believe are some of your strongest assets? Try to relate these to one or more of the Performance Categories.
4) What do you believe are some performance areas (Categories) that you could improve upon? What goals have you set for yourself relative to your desire to improve?

5) How have you helped to create and maintain a safe community through your daily work?

6) Give one example where you provided exceptional service to the community.

7) Give example(s) of how you have worked to develop and maintain a positive and collaborative partnership with the community. Examples might include COPPS projects, committee participation, self-initiated activity, etc.

8) If applicable, describe your contributions toward recruiting, developing, and retaining a professional, highly competent Team of employees. Examples might include helping with recruitment efforts, developing and/or delivering briefing in service training, or FTO training.
9) How have you helped or contributed toward building a Team that is committed to the Vision, Mission, and Value Drivers of the Department? Give a specific example(s).

10) List any goals and/or objectives for the coming year that you would like to achieve or have agreed upon with your supervisor.
EXHIBIT A-1: DUTIES AND RESPONSIBILITIES

In accordance with the principles of this Inter-Agency Agreement, the duties and responsibilities of the parties are outlined as follows:

I. CRISIS NEGOTIATION TEAM (CNT) PROGRAM

The CNT program, as part of the BHCNT, will partner with and provide supportive services to the Hostage Negotiation Team (“hereinafter referred to as “HNT”) when faced with a crisis situation. When requested by the PEACE OFFICER(S), a licensed clinician will respond to a crisis negotiation situation to offer clinical insight, supportive suggestions, background information, information on community resources/referrals, and collaboration to collect needed intelligence for the individual(s) in crisis.

A. FOR THE PURPOSE OF THE CNT PROGRAM, HEALTH AGREES TO:

1. Assign at least one licensed (clinician) on-call BHCNT member, as recommended by BHCNT and accepted by the HNT entities that consist of the Monterey County Sheriff’s Office, City of Salinas, and Monterey Peninsula, to assist the PEACE OFFICER(S) during crisis situations.
   a. During daytime hours Monday through Friday from 0800-1700 hours, the BHCNT contact for a crisis situation will be the Crisis Team at Natividad Medical Center (831) 755-4111. The Crisis Team will contact the BHCNT Coordinator.
   b. After hours, PEACE OFFICER(S) will contact the Crisis Team at Natividad Medical Center, who will then contact the BHCNT standby member.
   c. The on-call BHCNT member will contact the BHCNT Coordinator to inform them of the crisis situation. At this time, the Coordinator can choose to assist the standby staff member during the crisis situation or designate another BHCNT member to respond. The standby BHCNT member will also keep the Coordinator appraised of developments during the crisis situation.

2. Conduct/participate in witness interviews for collateral information, using the clinicians’ interviewing expertise, i.e. rapport-building, social history collection, and knowledge of domestic violence dynamics.

3. Assist PEACE OFFICERS in gathering collateral information during a crisis situation, i.e. contacting family members, gathering previous crisis contacts and previous assault and suicide history, obtaining medical and psychiatric treatment information, and other related information.

4. Provide supportive suggestions in intervening with the individual(s) in crisis, i.e. passing notes to the secondary on themes, “hooks,” bargaining tools, and other similar suggestions.

5. Provide clinical insight on anything pertaining to mental illness to include symptoms, diagnosis, medication side effects, triggers and dynamics.

6. Provide the PEACE OFFICERS with information on community resources/referrals regarding the individuals(s) in crisis, i.e. substance abuse, domestic
violence, suicide prevention/intervention, mental illness, school support, grief support, and other related resources.
7. Never assume the role of the primary or secondary negotiator(s).
8. Never enter the residence of a barricaded subject.
9. Perform duties as assigned by incident commander, i.e. act as a “Scribe/Boardman” if assigned, in order to monitor negotiations and maintain visual displays of all information relevant to negotiations including demands, time-line, gathering intelligence, and other similar duties as assigned.
10. Monitor dialogue between the person(s) in crisis and the primary negotiators, if assigned, and maintain log of events during the negotiation process. BHCNT member will help provide communication between negotiators (BHCNT & PEACE OFFICERS) and remainder of the police command structure, ensuring that the secondary is aware of the Incident Officer’s strategy.
11. Remain in the command center during the negotiation, unless assisting the PEACE OFFICERS with data collection or collateral contacts out of the primary negotiation area.
12. Respond to a crisis situation (as requested by PEACE OFFICERS) via telephone within fifteen (15) minutes.
13. Respond to a call-out situation (as requested by PEACE OFFICERS) and arrive on scene within sixty (60) minutes. During travel time, the BHCNT member will be available by phone for consultation.
14. Collaborate with the different PEACE OFFICERS’ entities by participating in trainings and meetings to ensure proper understanding of roles and responsibilities during crisis situations.
15. Document the PEACE OFFICERS’ calls for assistance to ensure documentation as required by the Mental Health Services Act.

B. FOR THE PURPOSE OF THE CNT PROGRAM MONTEREY COUNTY PEACE OFFICERS’ ENTITIES AGREE TO:
1. Assume primary responsibility for site control.
2. Assume primary responsibility for negotiations.
3. Determine whether phone consultation or on-site consultation is needed from the BHCNT member.
4. Coordinate training exercises with HEALTH to ensure proper collaboration when needed during a crisis situation.
5. Collaborate with the BHCNT on-call members by participating in trainings and meetings to ensure proper understanding of roles and responsibilities during crisis situations.

II. MOBILE CRISIS TEAM (MCT) PROGRAM

The MCT program, as part of the BHCNT program, will partner with the named police departments to provide services that will respond to 911 requests involving an individual experiencing a psychiatric or emotional crisis. The MCT program will operate with the goal of avoiding the use of involuntary psychiatric hospitalization, whenever appropriate, by providing alternative treatment resources, which may include consultation, crisis intervention, and referral to a brief treatment and/or diversion to other voluntary psychiatric
services available. A mental health professional will be assigned to a designated jurisdiction: Monterey Peninsula, Salinas or South Monterey County.

A. FOR THE PURPOSE OF THE MCT PROGRAM, HEALTH AGREES TO:

1. Assign a mental health licensed OR licensed eligible clinician known as Mobile Crisis Intervention Specialist (hereinafter referred to as “MCIS”) to a designated PEACE OFFICER jurisdiction site.
   a. The MCT program will generally operate from Wednesday through Saturday, during the hours of 1230 to 2200 hours in addition to alternating Tuesdays from 1330 to 2200 hours.
   b. If a MCIS is not available for their shift due to illness or planned leave, the MCT for that particular jurisdiction will not be in service during that time period.
   c. For any MCIS Staff assigned to a PEACE OFFICER site, the County will provide office furniture and supplies; IT equipment and IT support if necessary, in order to appropriately equip the MCIS with the appropriate furniture, supplies and equipment necessary to conduct County business. In the event of termination of services, the County will retrieve all County-owned equipment, furniture and supplies.
2. The MCIS will primarily respond to dispatched calls for service requested by PEACE OFFICERS. They may also respond to calls as requested by PEACE OFFICERS through direct contact or when contacted by PEACE OFFICERS by Monterey County phone, however, the MCIS will inform Dispatch of their service response before or while on scene.
3. The MCIS will travel and respond to calls using a designated HEALTH MCT Vehicle and conduct outreach work with known individuals who may be in need of crisis intervention and/or a referral to other community services.
4. If the MCIS determines the individual in crisis meets the California Welfare and Institutions Code Section 5150 for an involuntary psychiatric hold, the MCIS on duty will complete the 5150 documentation, as needed.
5. If there is a disagreement between the responding PEACE OFFICER and the MCIS regarding whether the individual meets criteria for an involuntary psychiatric hold, the MCT Supervisor or designee will be contacted for consultation. The MCT Supervisor or designee will be available by phone throughout the MCIS shift for consultation and support.
6. If an individual is placed on an involuntary psychiatric hold by either the MCIS or the responding PEACE OFFICER, the individual will be transported by PEACE OFFICER or by ambulance.
7. Individuals not meeting criteria for an involuntary psychiatric hold, and who have been evaluated by the MCIS may be transported in the MCT Vehicle to voluntary alternative locations if deemed appropriate based on MCIS’ clinical judgment.
8. The MCIS and responding PEACE OFFICERS will report any issue of concern or complexity directly to their respective supervisors as needed. It is expected that the MCIS and responding PEACE OFFICERS will work collaboratively and generally work together to address day-to-day issues. The MCT Supervisor or designee will be available by phone throughout the MCT shift for consultation.
9. The MCIS will share with responding PEACE OFFICERS, where applicable,
protected health information on the individual being served by a crisis intervention service, consistent with all applicable health privacy laws.
10. The MCIS will enter each call for MCT service into HEALTH’s Electronic Health Record System to track the number of calls and outcomes to quantify and measure program success.

B. FOR THE PURPOSE OF THE MCT PROGRAM, MONTEREY COUNTY PEACE OFFICERS’ ENTITIES AGREE TO:
1. Assume primary responsibility for site control.
2. Determine whether phone consultation or on-site consultation is needed from the MCIS.
3. Coordinate training exercises with MCIS to ensure proper collaboration when needed during a crisis situation.
4. Collaborate with the MCIS on-call members by participating in trainings and meetings to ensure proper understanding of roles and responsibilities during crisis situations.
5. Provide office and/or meeting space and any equipment necessary (other than the equipment provided by County in Section 2. A(c) of this Exhibit) for the implementation of services provided by the MCIS. In the event of termination of services, the PEACE OFFICERS acknowledge the County will retrieve all County-owned equipment, furniture, and supplies.

CONFIDENTIALITY

All HEALTH staff is subject to all rules of confidentiality set forth in all applicable health privacy laws, which apply to the provision of mental health services by the BHCNT and MCT programs. The minimum amount necessary of confidential mental health information will be shared for the sole purpose of preventing or causing harm and/or injury to others or to themselves. For all other purposes, without express written permission of the individual, PEACE OFFICERS may not have access to any confidential mental health information as held by the BHCNT and MCT programs. Any confidential mental health information PEACE OFFICERS may receive by written and/or oral transmission may not be re-disclosed in any format at any time.
Claim-for-Damages-Form.pdf
CLAIM FOR DAMAGES TO PERSON OR PROPERTY

INSTRUCTIONS
1. Claims for death, injury to person or to personal property must be filed no later than six months after occurrence. Claims for damage to real property must be filed no later than one year after the occurrence (Gov. Code Sec. 911.2).
2. Read entire claim before filing.
3. This is a two-page claim form. Page 2 is on the reverse side of this sheet.
4. This claim form must be signed by the claimant on page 2 (reverse side) at the bottom.
5. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.
6. Please either type or print clearly.
7. Please file ORIGINAL claim form with City of Monterey Auditor, 735 Pacific St., Suite A, Monterey, CA 93940 (831) 646-3948 (Gov. Code Sec. 910).
8. Presentation of a false claim is a felony (Pen. Code Sec. 72).
10. Asterisks (**) denote required information for bodily injury claims for compliance with federal law, Center for Medicare and Medicaid Services reporting.

*Name of Claimant:

FIRST MI LAST

*WHEN did damage/injury occur?
Date:

Time: am pm

**Claimant:

☐ Female ☐ Male

Name(s) of City employees involved:

Home Phone: Business Phone:

Name(s) of witnesses if known:

Claimant’s Business Address:

*Address and phone number to which you desire notices or communications sent regarding this claim:

Police report # if known:

WHERE did damage/injury occur? Describe location fully. Where appropriate, give street names, addresses, and measurements from landmarks in order to clearly identify the location. Provide photos, maps, and/or any other documents that identify the location. A diagram is provided below for your use if desired.

READ CAREFULLY

Place on the following diagram, names of streets. Indicate North, South, East and West directions. Indicate place of incident by "X". Show addresses, landmarks and/or distance measurements to precisely indicate the location. If a City vehicle was involved, designate by letter "A" the location of the City vehicle when you first saw it, and "B" the location of yourself or your vehicle when you first saw the City vehicle. Indicate the location of the City vehicle at the time of the accident by "A-1", the location of yourself or your vehicle at the time of the accident by "B-1", and the point of impact by "X". If this diagram does not fit the situation, you may attach another printed or hand drawn diagram, signed by the claimant, to this form.

6/21/16
*Describe, in detail, HOW the damages or injury occurred. Include a description of the NATURE and EXTENT of the damages or injury. Include photos and any other documentation that substantiates how the damages occurred and/or the nature and extent of the damages or injury. Include a statement describing why you think the City of Monterey is responsible for your damages.

---

*The amount claimed, as of the date of presentation of this claim is computed as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Damage to property</td>
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</tr>
<tr>
<td>Expenses for medical &amp; hospital care</td>
<td>$</td>
</tr>
<tr>
<td>Loss of earnings</td>
<td>$</td>
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<tr>
<td>Special damages for</td>
<td>$</td>
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<tr>
<td>General damages</td>
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</tr>
<tr>
<td>Total damages incurred to date</td>
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</tr>
<tr>
<td>Estimated prospective damages as far as known:</td>
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<tr>
<td>Future expenses for medical &amp; hospital care</td>
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</tr>
<tr>
<td>Future loss of earnings</td>
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</tr>
<tr>
<td>Other prospective special damages</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Total estimate prospective damages</td>
<td>$</td>
</tr>
</tbody>
</table>

Total amount claimed as of date of presentation of this claim: $__________

---

I declare under penalty of perjury under the laws of the State of California that the following information is true and correct and that this declaration was executed on ________________, 20______, at ____________________________, California.

Signature of Claimant or person filing on his or her behalf: __________________________

Relationship to Claimant: __________________________.

6/21/06
5040 Use of the Evidential Portable Alcohol System Prior 0405.pdf
I. POLICY

A. The Department has obtained four *Draeger Alcotest 7410 Plus Breath Analyzer* Evidential Portable Alcohol System (EPAS) units. Each unit consists of a rugged case, built-in power supply, data entry system, breath analyzer, magnetic card reader and printer.

B. Department employees are authorized to use an EPAS to ascertain the concentration of alcohol in a person’s breath for the purpose of enforcing Driving Under the Influence (DUI) related laws. EPAS units may be used as an alcohol-screening device, as Preliminary Alcohol Screening (PAS) devices were used in the past, or to obtain a breath sample for use as evidence in a criminal proceeding. The EPAS units shall replace the Department’s Intoxilyzer 5000 and the PAS devices.

II. TRAINING AND QUALIFICATION

Each member of the Department shall receive training from the California Department of Justice before utilizing the EPAS units. Only authorized, qualified, and certified personnel shall deploy and/or operate EPAS units. If an officer has not received the training and needs to utilize an EPAS, he/she shall notify the on-duty Field Supervisor to arrange for someone else to administer the test.

III. PROGRAM ADMINISTRATION AND EQUIPMENT MAINTENANCE

The Department EPAS Coordinator (as assigned) shall be responsible to ensure that the EPAS units are maintained and that the program is administered properly. The Traffic Sergeant shall serve as a back up, should the primary Coordinator be unavailable. The functions of this assignment include:

A. Maintaining supplies of mouthpieces, printer paper, and ribbon.

B. Charging and maintenance of the EPAS units and all ancillary equipment.

C. Performing routine accuracy checks on each unit once every 7 days.
(Per Title 17 of the California Code of Regulations, each EPAS unit must be checked for accuracy at least every 10 days or following 150 subjects, whichever occurs sooner)
D. Transferring the data stored on each unit to the Department of Justice via computer at least once per week.

E. Arranging for any malfunctioning EPAS unit to be delivered to DOJ/Watsonville for repair. (In most cases, DOJ will supply a replacement unit.)

IV. ASSIGNMENT AND DEPLOYMENT PROCEDURES

A. Use of EPAS Units

Normally, three EPAS units will be available for field deployment. When not deployed, EPAS units shall be stored in their cases in the Field Supervisor’s Office and kept in the charging mode so that, when deployed, they will be amply charged. One EPAS unit shall be maintained in the Jail Intoxilyzer Room connected to its charger. In the event that the Jail EPAS unit becomes inoperable, a field EPAS unit shall be temporarily deployed in the Jail as a replacement.

B. Use by Outside Agencies

As necessary, officers from outside agencies may use a Department EPAS unit, provided that the outside agency officer performs the test. Under rare circumstances, Monterey Police Department personnel may perform an EPAS test for an outside agency, but only with prior approval from the Watch Commander.

C. Supervisor Responsibility

The Field Supervisor shall coordinate and track deployment of the EPAS units in the field. At least one EPAS unit will be deployed on both Watch II and Watch III each evening. The Field Supervisor shall consider assigning an EPAS unit to the officer assigned as an at-large or Beat II unit. The Field Supervisor may carry the EPAS for his/her Watch or carry an additional unit, if one is available. The dayshift Field Supervisor may assign or carry an EPAS unit at his or her discretion.

D. Officer/Operator Responsibility

1. Prior to deploying an EPAS into the field, officers shall check the unit to ensure that it is fully functional (i.e. fully charged and stocked with mouthpieces and printer paper). If an EPAS unit is due for an accuracy check, the deploying officer shall run it prior to deployment. A precautionary checklist will be stored with each EPAS unit to facilitate these checks.
2. If an EPAS unit malfunctions, it shall immediately be taken out of service. Officers will report any such occurrence to the Watch Commander, who shall notify the EPAS Coordinator.

3. The EPAS units in the field need to be kept readily available whenever possible. An officer who is likely going to be unavailable for an extended period may want to hand the unit off to another officer so that the EPAS remains accessible in case it is needed.

4. All EPAS units shall be returned to the Field Supervisor’s office and plugged in for charging at the end of each shift/assignment. The initial deploying officer is responsible to ensure that this occurs.

5. Under no circumstances are the EPAS units to be left in a patrol vehicle at the end of shift.

V. OPERATION

A. Screening Mode

The screening mode may be utilized as a field sobriety test or to facilitate zero tolerance enforcement (§23136 CVC). Although this mode requires no data entry, it is recommended that the test results be printed out and attached to any arrest or incident report that may result.

B. Evidential Mode

1. An evidential test can be performed in the field or after the arrestee has been transported to the Jail. If the test is performed in the field, the officer shall advise the driver that he/she is under arrest prior to administering the test. The officer should also ensure that a second officer is present at all times following the arrest and that the prisoner is handcuffed prior to the test.

2. If the evidential field test results indicate a blood alcohol concentration (BAC) of .08% or above, the prisoner should subsequently be transported to the Jail and booked on the appropriate charges.

3. If the test is performed in the field and the results indicate a blood alcohol concentration (BAC) below .08%, the officer must then determine whether there are still sufficient grounds to pursue a criminal complaint for 23152 (a) CVC or other charges, or whether to amend the arrest to a detention only and release the subject at the scene per §849 (b)(1) PC.
a. If the officer is satisfied that there are not sufficient grounds to pursue a criminal complaint, then the subject shall be released at the scene per §849 (b)(1) PC. All such releases shall be approved by the Watch Commander prior to the release. A *Detention Only Certificate (849 form)* must be completed for all such releases. The officer shall also prepare a detailed DUI arrest report that includes the probable cause for the stop/contact and the arrest as well as the reason(s) for the release.

b. If the officer determines that 23152 (a) CVC and/or other arrestable offense charges will be sought, then the subject may be transported to the Jail and booked for these offenses.

4. In each case, the results of the evidential test (two samples within the acceptable range) shall be printed out and attached to the arrest or incident report.

5. Normally, if a screening test is administered and the subject is subsequently arrested for DUI, any subsequent evidential test is to be conducted in the Jail and not in the field.
2030 Training Procedures Prior 8302.pdf
I. POLICY

The Monterey Police Department is a professional organization, which is committed to excellence. The members are committed to providing quality municipal law enforcement services to our residents, business community, and visitors. To assist with fulfilling this level of service, the training mission is committed to assisting employees with training and career development.

The Department encourages its members to participate in training and advanced education on a continual basis. Training will be provided to personnel based upon the needs of the community and the Department. Factors that will be considered in determining what training will be provided include current and future service needs of the community, employee development, availability of instruction, staffing, and budget.

II. DEFINITIONS

A. Training

For the purpose of this policy, training is defined as any learning experience arranged through or provided by the Department, both internal and external, that meets any of the needs and goals defined below.

B. Mandatory Training

Training which is required by the California Commission on Peace Officer Standards and Training, the California Department of Corrections, the Penal Code, the Vehicle Code, or other statutes of the State of California.

C. Essential Training

That training which is deemed necessary by the Chief of Police in order to perform a specific job function within the Police Department.

D. Desirable Training

That training which is intended to increase the performance and overall proficiency of the employee or will assist the employee in career development.
II. TRAINING GOALS BY PRIORITY

A. To meet or exceed the requirements of the mandatory and essential training requirements.

B. To provide timely and necessary training to allow employees with specific duties and specialized needs to function more effectively by enhancing job skills.

C. To provide career development training to members who aspire to advance or become highly proficient within their areas of expertise. To prepare members of the organization to successfully assume management positions, commonly referred to as “succession planning.” To further professional development, each employee shall receive a semi-annual training needs assessment with their supervisor. This should include a review of the employee’s most recent pre-evaluation and annual evaluation, a discussion of any new training requests, and training the supervisor believes would increase the employee’s competency. Recommendations for training should be forwarded to the Training Sergeant.

D. Training not defined above that is desired by the member and recognized for its positive effect on the organization or to enhance the level of service to the community.

IV. TRAINING MANAGEMENT

A. Coordination and administration of the training process is the responsibility of the Training Sergeant. In that capacity, the Training Sergeant will ensure that all members are in compliance with the various requirements defined as mandatory training and that the Training files for all members are kept current and centrally located.

B. The Training Sergeant is also the primary training resource officer. In this capacity, the Training Sergeant may provide information, counseling, training suggestions, and/or advice on all matters pertaining to employee development.

C. The Training Management Group (TMG), which consists of the Training Sergeant, the two (2) Lieutenants, and the Police Services Manager, is intended to support the training function. The purpose of the group is to work collaboratively and supportively to improve the department’s overall training program. The TMG efforts will also facilitate better communication and coordination of Department training, which will serve
Training Policy

to improve operational efficiency and effectiveness. The Training Sergeant shall ensure that the TMG meets quarterly and shall chair the meetings.

V. MEMBER RESPONSIBILITIES

A. Managers/Supervisors

It is the responsibility of all supervisors and managers to ensure that their personnel possess the skills necessary to provide a professional level of service that fulfills the Department's mission and meets the needs of the community. Efforts toward employee development should include assisting employees with professional development and job enrichment. This endeavor will require a serious commitment with continuous efforts.

B. All Members

All personnel have a duty and responsibility to remain current on the many changes that occur within the field of law enforcement, both legally and procedurally, and to incorporate these changes into their work routine. The Department recognizes the importance of advanced officer training and openly encourages personal accountability towards individual growth and development. Personnel who participate in training opportunities and associated skill enhancement may be asked to share their skills and knowledge or train others to provide an improved level of service to the community.

VI. TRAINING ARRANGEMENTS

A. The employee requesting training shall complete Section 1, attaching training flyer as available. The employee's supervisor will review the request.

B. If the request is denied by the supervisor, the employee will be provided an explanation as to the reason and provided a copy of the Request for Training form. A copy of the form will be retained in the employee's working file and the original will be forwarded to the appropriate manager for review. If the manager determines the employee should attend the requested training, the Request for training form shall be forwarded up the chain of command.
C. If the request is approved, the Request for Training Form shall be forwarded to the Training Sergeant. The Training Sergeant will review and forward to the Training Administrative Assistant for completion of Section 2, cost estimate and travel arrangements. The Training Administrative Assistant will return the form to the Training Sergeant, who will forward to the Chief of Police via chain of command, Section 3.

D. If at any point the request is denied it will be returned to the employee’s supervisor for placement in the employee’s working file. The employee will be provided a copy so they understand the reason the request was denied.

E. Upon approval, the form will be returned to the Training Administrative Assistant, who will give a copy of the approved form to the employee’s supervisor for employee notification. The Training Administrative Assistant will make all arrangements pertaining to the course, and issue a training notice as soon as practical. Members shall not initiate any changes without the advance approval of the Training Sergeant.

No Department-funded training will be arranged without the approval of that employee’s supervisor, the Training Sergeant, and the Division Deputy Chief.

VII. SCHEDULING GUIDELINES

A. Employees attending training of twenty-four (24) hours or less in any regular duty schedule, which causes any adjustment of days off, shall coordinate their workweek schedule with their supervisor.

B. Employees attending training in excess of twenty-four (24) hours in any calendar week will be considered on an Administrative Schedule (i.e., unless otherwise specified, an administrative schedule means 8:00 a.m. to 5:00 p.m., Monday through Friday).

VIII. TRAVEL COMPENSATION

A. Travel to and from course site is covered per FLSA provisions below:

1. Whether travel time consists of compensable hours of work depends on the type of travel involved.

   a. Travel during the workday is considered compensable work.
b. Commute time is not compensable, although travel for an emergency assignment may be considered compensable work time, depending on whether the travel is for the convenience of the employee or primarily for the benefit of the employer.

c. When an employee is sent out of town for one day or less, the travel time significantly in excess of the employee’s normal commute must be paid.

d. When an employee travels and stays overnight, travel time during their regularly scheduled work hours, even on non-workdays, is considered compensable work time.

e. If the employee travels after work hours as a passenger on an overnight trip, this travel time is not considered compensable work time.

f. Generally, driving time for overnight trips must be paid, unless the employer has offered public transportation to the employee.

B. Travel expenses to attend training will be compensated per the City of Monterey’s Purchasing and Reimbursement policies and procedures.

1. “Local” training is defined as training in Monterey, Pacific Grove, Carmel, Carmel Valley, Del Rey Oaks, Seaside, Sand City, Marina, and the Airport District. Local training does not qualify for lunch reimbursement.

Training outside of the local area must exceed 6 hours to qualify for lunch reimbursement.

2. Travel advances can only be issued if the advance is requested in time to meet Accounting deadlines. If timing does not permit an advance, the employee will be reimbursed via submittal of an Expense Report following return from training.

3. An Expense Report is required for all City paid travel expenses.

a. The Administrative Assistant will forward the Expense Report form to the employee on or before their return from training to work.
b. The employee is required to submit their completed Expense Report to the Training OAII within one week of their return to work following training.

Tim Shelby
Police Chief

Original: July 1983
Revised: August 1989
December 1995
December 1999
February 2004
February 2010
November 2010
10310 Peer Support and CISM Prior 3050 Critical Incident Stress Management Prior 9901.pdf
I. PURPOSE

It is the policy of this Department that members of this organization shall have available to them a group of peers trained in assisting with the psychological needs of emergency service providers. By the nature of the public safety field, emergency service workers are confronted with events, which can have traumatic, long lasting effects. The emotional and mental well being of each MPD member is required to maintain a healthy organization. The Peer Support Team (PST) shall be comprised of sworn and non-sworn members of this Department, who have received Critical Incident Stress Management (CISM) training and who can be utilized in the event of a critical incident or to address cumulative stressors.

II. DEFINITIONS

A. Critical Incident Stress Management: A comprehensive, systematic and multi-component approach to the management of traumatic stress.

B. Peer Support Team: An inter-agency partnership between City Police and Fire personnel who, along with mental health professionals, focus on preventing and mitigating negative impact of acute or cumulative stress on themselves and other workers. This shall supplement but not replace the Employee Assistance Program.

C. PST Department Coordinator: A Lieutenant and/or designated employee shall be responsible for the management oversight of the PST including but not limited to staffing, training and liaison with the Monterey Fire Department (MFD).

D. Peer Support Workers (PSW): Specially trained emergency service workers who are part of the Peer Support Team.

E. PSN Clinical Coordinator: A licensed mental health professional, who serves as the clinical advisor to the PST. The Clinical Coordinator, along with the Chief of Police or his or her designee, is responsible for determining the need for and facilitation of a Critical Incident Stress Debriefing.
Critical Incident Stress Management (CISM)

F. Critical Incident (Acute Stress): Generally, an on-duty traumatic event involving MPD and/or MFD personnel, which is outside the usual realm of human experience and is markedly distressing. Examples include officer involved shootings, serious injury or death of a coworker, etc.

G. Cumulative Stress: Stress arousal that slowly builds up over time sometimes leading to a condition of "burnout."

H. Critical Incident Stress Debriefing (CISD): A group discussion involving personnel affected/exposed to a critical incident, Peer Support Workers and Mental Health Professionals intended on accelerating the recovery process once an emergency service worker or group has been seriously stressed or traumatized. This is not intended to be a critique of the event, nor should operational or investigative information be discussed. CISD ideally should occur between 24 and 72 hours after the traumatic event and generally last 1½-3 hours.

I. Critical Incident Stress Defusing: A shortened version of a CISD, occurring within eight (8) hours of a traumatic event, which typically lasts 20-45 minutes. Defusing involves small groups of affected emergency service workers and is facilitated by a Peer Support Worker(s). It provides affected personnel the opportunity to discuss the incident and its effects and is used to eliminate the need for or enhance a subsequent CISD.

J. DEMOBILIZATION: Usually, a one time (end of shift; end of deployment), large-group information process for emergency services, military or other operations staff who have been exposed to a significant traumatic event such as a disaster or terrorist event.

K. CRISIS MANAGEMENT BRIEFING (CMB): Structured large group community/organizational “town meetings” designed to provide information about the incident, control rumors, educate about symptoms of distress, inform about basic stress management, and identify resources available for continued support, if desired. Especially useful in response to violence and/or terrorism.

III. PROCEDURES

Any member of this Department can utilize the PST, in the event they develop a need. A roster of the team members shall be posted in a conspicuous place and maintained in both Records and the Field Supervisor’s office. Should an employee require the assistance of a PSW, that employee can contact the PSW
and arrange for a meeting. Because the PST is an inter-agency effort, MPD and MFD personnel are available for use at anytime the PST is activated, regardless of which department initiated the activation. The PST need not be focused entirely on duty-related events; individual discussions can address personal or familial concerns.

If the Watch Commander and/or Field Supervisor are not sure whether an incident is such that a CISM intervention should occur, they shall err on the side of caution and contact their Chain of Command for guidance.

A. **Defusing:** Should an unusually traumatic event occur, other than a Critical Incident, which may have an effect on one or more personnel, the Watch Commander and/or Field Supervisor shall determine the necessity for a Defusing. A Defusing ideally will be provided within eight (8) hours of the public safety response to the incident is completed, preferably within the first two (2) hours after leaving the scene of the occurrence. Typically, a Defusing is geared toward small groups, e.g. patrol shifts. If a large group of personnel are affected, multiple Defusings may be in order. Activation procedures are as follows:

1. Watch Commander and/or Field Supervisor determines the need and contacts a member or members of the PST, with the approval of the Department Coordinator. The Watch Commander or Field Supervisor notifies the Division Commanders.

2. PSW(s) respond and get briefed on the event.

3. The Defusing is to be conducted at a neutral location when at all possible. This is to ensure that the Defusing will proceed with little interruption. Attendance at a Defusing is optional; no employee can be compelled to participate.

4. If the Defusing occurs after normal work hours, non-management employees shall be compensated at the standard overtime rate.

5. Should a Defusing not take place, individual employees can still access the PST by contacting a PSW for one on one discussions.

B. **Critical Incident Stress Debriefings:** A CISD is a seven-stage, peer-driven process, which is overseen by a mental health professional focused on crisis intervention. This closed circle format typically lasts 1-3 hours and is used to mitigate the psychological impact of a traumatic event; however, it is not psychotherapy. A CISD may include any police and/or fire personnel directly or indirectly affected by the event. Activation procedures are as follows:
1. Watch Commander and/or Field Supervisor will determine the need for a CISD and notify Chain of Command, who will then contact the PST Department Coordinator and Clinical Coordinator. The Division Lieutenant, Department Coordinator and Clinical Coordinator shall determine the need for a CISD. Primary consideration should be the impact the critical incident has on the usual, normal abilities of MPD personnel to cope with the situation.

2. Watch Commander and/or Field Supervisor shall also contact a minimum of two members of the PST.

3. The PSW(s) shall be responsible for arranging for the CISD site location and gathering all necessary equipment.

4. All affected personnel are required to attend the CISD; however, active participation is voluntary. Only those department members actually involved in the incident requiring the CISD and participating members of the PST shall take part in debriefings. Non-management personnel on normal time off shall be compensated at the standard overtime rate.

5. There will be no records, cameras or notes taken during the CISD.

C. Demobilization: Generally occurs immediately after a unit completes its first shift or assignment at a disaster or terrorist event and before that unit is released to go home or assigned to non-event related duties. A Demobilization is intended to provide practical information, a rest break and an opportunity for assessment of personnel to see who may need additional support. A Demobilization should be no longer than 30-45 minutes. Activation procedures are as follows:

1. A Command Staff member determines the need for a Demobilization and contacts the Department Coordinator.

2. The amount of PSW(s) that are needed is dependent on the size of the Demobilization. There should be enough PSW(s) to circulate among the attendees while information is being distributed and at the end of the formal presentation to allow informal, one on one discussions to determine need for further support.

3. The PSW(s) will assist with organizing the location and refreshments for the Demobilization.

4. All affected personnel are required to attend the Demobilization; however, active participation is voluntary. Non-management
personnel on normal time off shall be compensated at the standard overtime rate.

D. Crisis Management Briefing (CMB): May be utilized with a traumatic event of any size that impacts a large number of people in the organization or in the community. A CMB is applicable to schools, businesses, churches, industrial, organizational and community based populations. A CMB should be used in a homogeneous group with short presentations by credible representatives of the organization. Information on Stress Management and Crisis Management will be disseminated by PSW(s). A CMB should last approximately 45-75 minutes with the focus being to provide information and a sense of leadership, reduce a sense of chaos, enhance credibility, control rumors, provide coping resources, engender cohesion and morale, re-establish a sense of community and function as a psychological screening. Activation procedures are as follows:

1. A Command Staff member determines the need for a CMB and contacts the Department Coordinator.

2. A minimum of (3) PSW(s) shall be contacted to participate in the CMB.

3. The PSW(s) will assist in organizing the location of the CMB.

4. A CMB is not a press conference and the Media are not permitted. It is also not a CISD or a solution for ongoing problems in organizations or communities.

5. All affected personnel are required to attend the CMB; however, active participation is voluntary. Non-management personnel on normal time off shall be compensated at the standard overtime rate.

E. One on One Peer Support: All MPD personnel can access the PST for one on one support concerning any matter, whether or not work-related. To do so, the employee is to contact the PSW of their choice. Peer support can take place over the phone or at a location away from the station. Use of the PST is voluntary; neither the employee nor the PSW will be compensated for peer support conducted off-duty.

F. Line of Duty Death: The death of a department member is both tragic and traumatic. The tragedy of the event can be mitigated through compassionate and efficient handling of the dissemination of information. The PST, shall assist in the aftermath of a Line of Duty Death in the following manner:
1. **Family Notification**
   
a. Assist with family notifications as determined by the Police Chief or their designee.

b. Remain with the family at the hospital.

c. Serve as a Department liaison to the family offering support, guidance and assistance as needed.

2. **Agency Notification**
   
a. The Police Chief or their designee may use the PST to notify department members of the incident.

b. PST team members may be asked to make telephone notifications to personnel.

c. PST team members will also schedule and participate in Debriefings and/or Defusings that result.

d. The Police Chief or their designee will prepare specific information that is to be released during notifications.

e. PST team members shall maintain a log of those who have and have not been notified. Every attempt will be made to notify all personnel of the incident.

3. **Other Duties**
   
a. Provide transportation for the family.

b. Arrange for childcare as needed.

c. Any other duty as determined by the Police Chief or their designee.

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**IV. CONFIDENTIALITY**

All information discussed during any activation of the PST is to be held strictly confidential. The identity of those utilizing the PST shall also be held in confidence. In order to maintain openness, employees must feel that the information they share with a PSW during a Defusing, CISD or one on one
session will not be divulged to anyone.

A. Confidentiality Guidelines:

1. All information obtained shall be confidential. Neither the PSW nor any employee participating in a Defusing or CISD shall divulge that information to anyone outside the sphere of those involved.

   a. Exceptions:

      1. Information concerning the commission of a crime.

      2. The employee or a third party is a danger to themselves or others.

      3. Disclosure has been compelled by a court of competent jurisdiction.

      4. Information that an employee has been subjected to harassment, discrimination, retaliation and / or abusive conduct if a supervisor or manager has received such information.

   b. These situations shall be immediately referred to the Clinical Advisor.

2. Information obtained through the PST shall not be used during an administrative investigation. PSW shall not be compelled to divulge details of a Defusing, CISD, or one on one session for the purpose of an administrative investigation.

   a. Participants will be advised of the confidentiality guidelines. They will also be instructed to not discuss operational or potentially criminal conduct while using the PSN or during a Defusing or CISD.

   b. There is no confidentiality privilege in place and, therefore, a PSW can be compelled to provide information in a criminal matter or worker's compensation claim.

B. Rank: Defusing and CISD sessions are typically emotionally charged. Employees should feel free to discuss all aspects of their feelings resulting from the incident. Therefore, rank should be set aside during a Defusing or CISD. The purpose is to assist employees with issues relating to a Critical Incident, not conduct an operational critique. Supervisors shall have no more influence or input than any other employee.
V. COMPENSATION
While an employee volunteers to be part of the PST, they are not expected to conduct Defusings, CISD sessions, Demobilizations or CMB(s) on their own time without compensation. Peer Support Workers shall be compensated as follows:

A. Defusing/CISD/Demobilization/CMB
   1. On Duty: Normal compensation rate
   2. Off Duty: Standard overtime rate

B. Peer Support; one on one
   1. On Duty: Normal compensation
   2. Off Duty: No compensation

This procedure is meant as a guide. The intent of the Peer Support Team is to provide employees of MPD and MFD with a group of specially trained personnel, who are willing to assist them in dealing with issues affecting their emotional well being. The health of this organization lies in the mental well being of its members. The PST will help maintain individual and organizational health.

David J. Hober
Chief of Police

ORIGINAL: June 1999
Revised: September 2000
Revised: November 2000
Revised: June 2001
Revised: November 2008
Revised: April 2020
5011 Fleet Safety Prior 0802.pdf
I. POLICY

It is the policy of this Department that employees employ safe driving practices and maintain the requisite skills necessary to operate vehicles in a manner that is consistent with the highest standards of safety for the operator and the public.

II. PURPOSE

Developing and maintaining a systematic process to review collisions involving Department vehicles is an essential element of maintaining a high standard as it relates to safe vehicle operations, also known as Fleet Safety. Establishing such a process will serve to communicate and emphasize the importance of developing and maintaining safe driving practices and habits, in general.

The process will also serve as a means to establish whether such collisions were preventable or non-preventable, and whether there were other extenuating or relevant factors involved. Also, it will provide for and facilitate a means to provide constructive feedback to those involved. And, it will serve as a means to take corrective measures when appropriate.

A successful Fleet Safety program will result in a reduction in Preventable collisions, which in turn will increase the level of safety for our employees and the public, reduce liability exposure to the City, reduce the costs associated with repairing or replacing damaged vehicles, and assist us to more ably manage our fleet.

Ultimately, safe vehicle operation is the primary objective.

III. DEFINITIONS

A. Collision: An unintended event that produces damage, injury or death caused by a department member driving a City vehicle.

B. Preventable Collision: A collision where the department member is determined to be at fault, or the proximate cause of the collision.

When it is determined that associated factors linked to the department member contributed to the collision or where there is information that leads a reasonable person to believe that the member could have taken additional measures to prevent the collision, these factors will also be considered to determine whether the collision was Preventable or not.
C. Non-Preventable Collision: A collision caused by the actions of another driver, act of nature, or circumstances beyond the department member’s control.

D. Operational Damage: Minor damage sustained during the normal course of vehicle operations to other than the vehicle’s body or undercarriage, (e.g. bent rim, blown/flat tire, tail/stop lamp damage, push bumper, etc).

Damage resulting from a collision with another party or due to negligent operation (see below) will generally not be considered as operational damage regardless of extent.

E. Negligent Operation: Vehicle operation that demonstrates a lack of attentiveness or care in the operation of a motor vehicle, purposeful disregard for the care of department equipment (vehicle), or a deliberate disregard for department policy or the rules of the road.

F. Corrective Measures: Include but are not limited to additional training, such as Emergency Vehicle Operations Course (EVOC) and commentary driver training, educational reminder, and if warranted, disciplinary action.

IV. COLLISION INVESTIGATION

A. The immediate supervisor or Watch Commander is responsible for investigating on-duty traffic collisions, which occur in the City. However, if the collision is of a serious nature, the supervisor shall, when practical, request the California Highway Patrol investigate the incident (refer to MPD Directive 87.03).

B. All traffic collisions involving City-owned vehicles shall be documented as a full investigation (refer to MPD Directive 87.03).

C. On-duty traffic collisions are to be reviewed by the Traffic Sergeant whenever possible. In his/her absence, a Platoon Commander shall review and approve the report.

V. FLEET SAFETY REPORTING

A. The reviewer/approver shall prepare a Fleet Safety Report (attached) containing a synopsis of the collision and its primary cause, which will then be forwarded to the appropriate manager for review. The Fleet Safety Report shall be forwarded in an electronic format. A hard copy, along with a copy of the collision report, shall be forwarded as well.

The Fleet Safety Report is not considered part of the collision report and shall not be scanned as an attachment in Net RMS.
B. The manager shall review the collision report and Fleet Safety report for accuracy and completeness. The manager will then denote a recommended classification (preventable / non-preventable / operational damage) on the Fleet Safety Report.

C. The Fleet Safety Report shall then be forwarded to the Field Operations Deputy Chief in electronic and hard copy format. A copy of the collision report shall also be forwarded.

VI. FIELD OPERATION DEPUTY CHIEF’S REVIEW AND CLASSIFICATION

A. The Field Operations Deputy Chief shall review the collision report and the Fleet Safety Report, make a final determination as to the appropriate finding and classification, complete the summary section of the Fleet Safety Report and ensure the proper documentation is prepared and forwarded to the appropriate individual(s).

B. Classification and Subsequent Action

1. Non-Preventable: A classification of Non-Preventable will generally result in no further action. The Fleet Safety Report indicating such will be filed in the employee’s “Not Sustained” Investigative file.

2. Preventable: A classification of Preventable will generally result in some form of corrective action being initiated. Corrective action will generally fall into one of three categories (i.e., additional training, educational reminder, or discipline). The Fleet Safety Report indicating such will be filed in the employee’s “Sustained” Investigative file.

   The cause and apportionment of fault or proximate cause attributable to the employee, the extent of the damage and/or injury, scope of negligent operation (if any), and fleet safety history of the involved employee will be considered when making the determination and recommendation for corrective action.

3. Operational Damage: A classification of Operational Damage will generally result in no further action. However, if an employee has demonstrated a pattern of driving that results in multiple incidents involving Operational Damage over a relatively short period of time then it may be determined that some type of corrective action is warranted. The Fleet Safety Report indicating such will be filed in the employee’s “Not Sustained” Investigative file.
VII. FLEET SAFETY RECORD / HISTORY

One of the most important elements of the Fleet Safety program is the means to document and have readily available the driving history of department members over an extended period of time.

Fleet Safety Reports will be maintained indefinitely. However, for the purposes of corrective measures that rise to the level of disciplinary action, the intent of this policy is to only consider collisions having occurred over a period of three (3) years. In other words, after an employee is involved in a Preventable collision and when considering if discipline is appropriate, one consideration is the Fleet Safety record of the employee over the preceding three (3) years.

VIII. RECORD MAINTENANCE AND UTILIZATION

A. The Administrative Lieutenant will be responsible for maintaining and overseeing Fleet Safety records.

B. Supervisors should contact the Administrative Lieutenant while gathering information for an employee's performance evaluation to determine the relevant Fleet Safety record within the rating period.

C. Fleet Safety related information should be addressed in the performance evaluation in the "Driving/Riding" category.

D. Fleet Safety documentation that becomes the basis for disciplinary action shall be maintained according to procedures outlined in the Monterey Police Association (MPA) Memorandum of Understanding (MOU).

IX. CONCLUSION

Safety of employees and members of the public is the primary reason Fleet Safety is such an important aspect of management oversight. However, it is incumbent upon all of us to take Fleet Safety seriously and to do our part to adopt safe driving practices and habits that reflect the highest level of professionalism and competency.

TIM SHELBY
Chief of Police

ORIGINAL: April 2008
REVISED: June 2010
10290 On-Call Call-Out and Response Procedures Priof 0207.pdf
I. PURPOSE

To set forth criteria and a procedure whereby on-call personnel and other resources shall be available for call-out and response as may be required for major incidents or other circumstances.

II. PROCEDURES

A. ON-CALL DETECTIVE PERSONNEL

1. The Administrative Services Division Captain shall cause to be prepared a schedule of on-call Detectives who will be available to respond at any hour between 1700 hours and 0800 hours weekdays, and twenty-four (24) hours on weekends and holidays.

2. Detectives who are assigned/designated as on-call are ineligible for assignment to or to sign up for an overtime detail without the specific, advance approval of the Administrative Services Captain. EXCEPTION: Overtime associated with an ongoing investigative function.

3. The on-call assignment list shall be prepared on a bi-monthly basis and copies forwarded to:

   1) Chief of Police
   2) Division Captains
   3) Investigations Division Personnel
   4) County Communications
   5) Records Supervisor
   6) Lieutenants
   7) Watch Commander’s Office
   8) Timekeeper

4. After its distribution, no changes or modifications to the on-call assignment list shall be made without the approval of the Administrative Services Captain. All such changes will require the distribution of an updated list. Situations requiring unexpected or immediate changes in an on-call assignment may, under fitting circumstances, be initially disseminated via email and/or other expedient means. As appropriate, an updated assignment list shall follow this initial notification and be distributed as soon as practical.
5. Prior to activating the on-call Detective, the Watch Commander shall evaluate the importance and urgency of the activity and, if possible, notify the Investigations Sergeant prior to calling out an investigator. The ultimate authority to activate the on-call Detective shall remain with the Watch Commander.

6. Investigating criteria for the call-out of Detective personnel:
   
a. Any actual or suspected homicide. The on-duty Watch Commander or a Field Supervisor shall respond to all DBF calls and evaluate the need for call out.

b. Any reported rape requiring immediate and extensive follow-up investigation.

c. Any serious crime whereby a suspect(s) is arrested and there appear to be circumstances which will require an extensive follow-up investigation, beyond the interview of a suspect(s), for the successful conclusion of the case.

d. When specialized expertise is essential to a successful case conclusion.

7. Responsibility of the Call-Out Detective
   
a. The on-call Detective shall assume responsibility for the crime scene and/or investigation upon arrival.

b. The on-duty Watch Commander shall assign personnel or provide whatever other reasonable assistance may be necessary.

c. The on-call Detective does not relieve the Patrol Officer(s) initially called to the scene from completing preliminary reports, including the fact sheet, narrative, and statements of victims and/or witnesses.

B. CALL-OUT OF OFF-DUTY TRAFFIC PERSONNEL

1. Prior to calling out the off-duty Traffic Officer, the Watch Commander shall substantiate the specific need. The criteria for the use of off-duty personnel are:

   a. Fatal collisions.

   b. Collisions involving serious bodily injury with a strong possibility that fatal injury will occur.
c. Any serious traffic felony where follow-up is immediately required.

d. All serious felony hit/run investigations with major injuries.

2. The Watch Commander, as warranted, may make a call-out or assignment of qualified and available officers as specified below.

a. Off-duty Traffic Officer(s).

b. Former Traffic Officer(s) who may be off-duty or on-duty.

c. As appropriate and practical, the Traffic Sergeant may be notified.

3. The role of the Traffic Officer upon arrival at the scene will be to coordinate the investigation. As appropriate, the Traffic Officer may be assigned by the Watch Commander to assume responsibility for the collision scene and/or investigation or to assist the initial investigating officer and do related follow-up, as required.

4. In the event that no Traffic personnel are available for assignment, the Watch Commander may request assistance from the on-call Detective. The ultimate responsibility for documentation and investigation of the incident shall remain that of the Watch Commander.

C. OVERVIEW

1. Adherence to the functional guidelines set forth in this order will facilitate the cohesive operation of the Department in providing appropriate police service to the community.

2. This order is not intended to be all inclusive of all functional activities in the Department. Whenever functions cross divisional lines, cooperation and coordination between divisions will be necessary to provide proper resolution.

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CARLO CUDIO
Chief of Police

Original: September 1987 (#87.06 / On-Call and Call-Out Procedures)
Revision: October 2002 (#87.06 Deleted and #02.06 & #02.07 Created)
## MONTEREY POLICE DEPARTMENT
### PERSONNEL COMPLAINT INTAKE

<table>
<thead>
<tr>
<th>Date / Time of Occurrence</th>
<th>Date / Time Reported to Department:</th>
<th>PR# (Assigned by Administration Div. Lieutenant)</th>
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## Location of Occurrence

<table>
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<tr>
<td>Name (Last, First, M.I.)</td>
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<th>Gender / Ethnicity</th>
<th>Date of Birth</th>
<th>Daytime Phone</th>
<th>Evening Phone</th>
<th>Best Time to Call</th>
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<td>#1 Name (Last, First, M.I.)</td>
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<th>Date of Birth</th>
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| #2 Name (Last, First, M.I.) | Address |

<table>
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## ACCUSED EMPLOYEE

<table>
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<th>Physical Description (only if identity is unknown)</th>
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<tr>
<td></td>
<td>Gender / Ethnicity</td>
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## Summary of Incident and Allegations: Provide a *concise* summary of the incident including the events that led to the contact between the complainant and the accused employee(s). Ask the complainant if they believe the Department member engaged in specific conduct based on race, ethnicity, nationality, gender, age, religion, gender identity or expression, sexual orientation, mental disability, or physical disability? (If yes, please explain) Identify additional witnesses and or other involved employees. Identify evidence obtained and disposition. Attach copies of related reports or other documentation.

(Use additional pages if needed)

## REPORTING INTAKE SUPERVISOR

<table>
<thead>
<tr>
<th>Name (Typed or printed)</th>
<th>Signature</th>
<th>Date</th>
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Revised 12/17
MPD Policy: 1010
### INVESTIGATION -- Use additional pages if needed.

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<td>LIEUTENANT</td>
<td>Name (Typed or printed)</td>
<td>Signature</td>
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<tr>
<td>ASSISTANT CHIEF</td>
<td>Name (Typed or printed)</td>
<td>Signature</td>
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</tr>
<tr>
<td>CHIEF OF POLICE</td>
<td>Name (Typed or printed)</td>
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**ACTION TAKEN:**
- [ ] To Lieutenant for Findings
- [ ] Assign for Further Investigation
- [ ] Non-Misconduct Concern (No Finding)
- [ ] Decline to Investigate Concern (No Finding)
- [ ] Policy Complaint (No Finding)
- [ ] Other (No Finding)
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