Mandatory Employer Notification

372.1 PURPOSE AND SCOPE
The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING
In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

372.2.1 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).

372.2.2 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).

372.2.3 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).
Mandatory Employer Notification

372.2.4 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).

372.3 POLICY
The Fontana Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

372.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES
In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).
Biological Samples

374.1 PURPOSE AND SCOPE
This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

374.2 POLICY
The Fontana Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

374.2.1 ARRESTEES
Any adult arrested or charged with any felony offense is required to provide DNA samples. DNA samples should be collected immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest but in any case prior to release on bail or other physical release from custody (Penal Code § 296.1(a)(1)(A)).

(a) For felony arrestees booked at any San Bernardino County jail facility, the San Bernardino County Sheriff's Department will obtain the required DNA sample.

(b) For felony arrestees cite released from the Fontana Police Department per Policy Manual § 420, the arresting officer will collect the DNA sample. The procedure for collection and submission of the sample is covered in the department's Booking and Detention Manual.

(c) For felony arrestees booked at any facility outside the jurisdiction of the San Bernardino County Sheriff's Department, the transporting officer will inquire as to that agency's requirements and comply with said procedure.

374.2.2 SEX AND ARSON REGISTRANTS
Any adult or juvenile who is required to register as a sex offender under Penal Code § 290 or arsonist under Penal Code § 457.1, including those whose registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample. (Penal Code § 296(a)(3)).

At the time that any such registrant registers, updates registration, or is notified by the Department of Justice or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided (Penal Code § 296.2(c)).

374.3 PERSONS SUBJECT TO DNA COLLECTION
Those who must submit a biological sample include (Penal Code § 296):
Biological Samples

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

374.3.1 BLOOD SAMPLES
The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. Blood samples obtained for submission to the Department of Justice DNA lab shall be placed in Department of Justice blood vials (Penal Code § 298(a) and (b)(2)). A right thumbprint shall be placed on the sample vial along with other required identifying information.

374.3.2 BUCCAL SWABS
Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs and with the use of Department of Justice buccal swab collectors. (Penal Code § 298(a) and (b)(3)). A right thumbprint shall be placed on the collector along with other required identifying information.

(Note: If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.)

374.3.3 FULL PALM PRINTS
Full palm print impressions shall be obtained on Department of Justice prescribed forms and forwarded separately to CalDOJ. (Penal Code § 298(b)(4)).

374.3.4 USE OF FORCE TO OBTAIN SAMPLES
There may be an occasion where a qualified individual refuses to provide any or all of the required DNA samples. The officer(s) shall take and document reasonable steps to secure voluntary compliance (Penal Code § 298.1(c)(1)(C)). No force shall be used to obtain a DNA sample unless a court order along with the written approval of a watch commander has been obtained (15 CCR § 1059).

(a) If the individual refusing to provide the sample was arrested for a felony offense, that individual will be taken to the nearest San Bernardino County Jail Facility for booking.

(b) If the individual refusing to provide the sample was required to register as a sex offender under Penal Code § 290, then alternative solutions may be sought. Such alternatives could be contacting the individual’s Probation or Parole Officer.

(c) In either case the refusal should be documented in a police report. It is a misdemeanor to refuse to provide a sample per Penal Code § 298.1(a), however, this charge is currently not a bookable offense.
374.4 METHOD
When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

374.4.1 COLLECTION
The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual’s criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

374.4.2 FOLLOW UP NOTICE TO DOJ
Within two years of submitting any DNA specimen, sample or impression to the Department of Justice, this department shall notify DOJ whether the individual remains a suspect in a criminal investigation (Penal Code § 297(c)(2)). It shall be the responsibility of the Department of Justice to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

374.5 USE OF FORCE TO OBTAIN SAMPLES
If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person’s parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person’s next court appearance.

(d) The person’s attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.
Biological Samples

The supervisor shall review and approve any plan to use force and be present to document the process.

374.6 LITIGATION
The Chief of Police or authorized designee shall immediately notify the Department of Justice DNA Legal Unit at (415) 703-5892 in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use, or any aspect of the state’s DNA Data Bank Program.
DNA Processing

375.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the processing of DNA samples. The San Bernardino County Sheriff's Department - Scientific Investigations Division, routinely analyzes DNA collected by law enforcement agencies in both San Bernardino and Riverside counties. The increased numbers of requests for DNA analysis creates time delays for completion. For this reason, it is necessary to establish guidelines to minimize lengthy case completion.

375.2 CASE ACCEPTANCE
Each case submitted to the Sheriff's Department for DNA analysis must be accompanied by enough detailed investigative information to help evaluate the ability of DNA results to associate a suspect and/or victim to the evidence. The Sheriff's Department will not continue without this information.

This information should include a full description of the evidence, where it was found or collected, how it relates to the perpetrator and/or victim, if there may be a mixture of DNA on the item, and whether reference DNA samples have been collected from all major subjects in the case.

If a case has been filed with the courts, the name of the prosecuting attorney and the date of the next court hearing should be included.

If the case has no suspect, focus will be placed on evidence that likely will contain DNA from the perpetrator of the crime and, thus, allow entry of the DNA results into the Combined DNA Index System (CODIS) for comparison to the offender database. Sufficient information must be submitted to ensure that potential DNA results qualify for inclusion into this database.

To ensure we are accommodating this requirement the following procedure will be followed to request DNA analysis.

375.2.1 FPD FORM #433
FPD Form # 433 DNA Analysis Request Form and SBSD-General Request Form shall be completed.

There are three categories related to a DNA request listed on FPD form #433:

- Property Crimes
- Sexual Offense Crimes
- Major Crimes

The appropriate sections of the DNA Request form must be completed or the report will be returned for completion.
DNA Processing

375.2.2 SBSD-GENERAL REQUEST FORM (PINK TRIPlicate0
This form is required when submitting a request for DNA analysis. Only DNA may be listed on this form when associated with the request for DNA analysis. Unrelated items shall be placed on a separate request for analysis form if necessary.

375.3 SUBMISSION AND CASE ASSIGNMENT PROCEDURES
There are a variety of criminal investigations where DNA is recovered and the suspect is unknown. However, in cases where the crime report results in an arrest of a known suspect (such as in the case of sex related crimes) the District Attorney's Office will submit the relative DNA request through established procedures with the San Bernardino County Sheriff's Department. In cases where a DNA analysis is requested for an unknown suspect in an on-going investigation, the following procedure is established:

- The criminal investigation shall be routed to Investigations.
- The Investigations Secretary is the established department liaison with the San Bernardino County Sheriff's Department related to all DNA correspondence.
- The crime report and FPD Form #433 DNA Request For Analysis shall be reviewed by the relative Investigations sergeant (Crimes against Persons or Crimes against Property) to ensure the form is complete.
- It shall be the responsibility of the reviewing Investigations sergeant to complete the online San Bernardino County Sheriff's Department DNA Request for Analysis form and to submit it for analysis.
- The criminal case shall be assigned in Case Management to a detective for continued Investigation until such time the criminal case is closed or adjudicated.

375.4 SEROLOGY & DNA TESTING SAMPLE SUBMISSION AND PROCESSING LIMITS
The number of evidential items accepted for examination will be dependent on the type of investigation. These limits are described in the following sections. The lab personnel will determine the course of analysis and which of the accepted items will actually be examined.

For all investigations, reference DNA samples from victim(s) or subject(s) must be collected and submitted; they are not considered as evidential items with regard to the accepted limit of items for a case.

An evidential item is comprised of one piece of evidence (e.g. one shirt, one pair of pants, swab of blood from one area, or one weapon). If such items are packaged together, the number of items in the package will be considered to be the number of these items submitted. (e.g., pants, T-shirt, and shoes packaged together will be considered three items.) Multiple stains on a submitted evidential item will not be considered as separate items processed for DNA (e.g. three bloodstains processed for DNA on a T-shirt will be considered one item).
375.4.1 SEXUAL ASSAULTS
First submission: Limited to the sexual offense kits plus one pair of underwear and one condom, if applicable. Case circumstances may dictate if other items are examined instead.

- If victim has participated in consensual intercourse within 5 days prior to the incident (usually stated in the Medical Exam report) a reference DNA sample from the consensual partner(s) will be needed for case assignment.
- If the sexual offense kit provides informative DNA results, no additional items will be accepted, unless case circumstances (such as multiple perpetrators) dictate a need for additional processing.
- If the sexual offense kit does not provide informative DNA results, additional items such as clothing or bedding may be requested by the investigating agency; limit of second submission is 4 items.

375.4.2 HOMICIDES
It is highly recommended that the investigating detective make contact, either in person or electronically, with the case manager at SBSD prior to case assignment to determine the items that will likely be probative to the case. The initial request for biological evidence examination will be limited to the 4 items likely to be the most informative.

- Serology screening and/or DNA testing will be performed on the 4 items in the first submission.
- If informative results are obtained from DNA testing, additional items will not be examined unless circumstances (such as multiple perpetrators) dictate the need for additional analysis.
- If no informative results are obtained from the items in the first submission, then a request for a second submission of 4 items will be accepted.

375.4.3 BURGLARY OR PROPERTY CRIMES
First submission: Limited to 2 items. Typically blood sample(s) from the scene or items left by the perpetrator (e.g., cigarette butt or item of clothing).

- If a probative profile is developed, additional items will not be examined unless case circumstances (such as multiple perpetrators) dictate the need for additional analysis.
- If no informative results are obtained from the items in the first submission, then a request for a second submission of 2 items will be accepted.

375.4.4 OTHER CASES (ROBBERY, ASSAULT)
Each submission is limited to 4 items.

- If a probative profile is developed, additional items will not be examined unless case circumstances (such as multiple perpetrators) dictate the need for additional analysis.
DNA Processing

• If no informative results are obtained from the items in the first submission, then a request for a second submission of 4 items will be accepted.

375.5 TOUCH EVIDENCE
Touch evidence is defined as evidence which has no visible staining and would contain DNA that only results from touching an item with the skin. Touch evidence does not include cigarette butts, swabbing from cans, bottles, straws or other items in which the substance being tested is most likely saliva. Touch evidence does not include items submitted for identifying the 'usual wearer' of a garment (such as shirt, shoes, hats, etc.) where there is a probability of prolonged contact by a single individual.

Touch evidence will be accepted for DNA analysis when there is a high likelihood that the evidence submitted will provide informative results or investigative leads. A high degree of likelihood may be established by means of witness corroboration, visual monitoring systems, or sound deductive reasoning.

Touch evidence will not be processed by the Forensic Biology unit if the item has been previously processed without wearing gloves.

Items submitted for touch evidence processing will comply with existing policy relating to the number of items of evidence that may be submitted based on case type.

Swabs of items such as the exterior of cars, dwellings, businesses, etc. will not be examined unless there is a high degree of likelihood an association between the perpetrator and the evidence may be established by means of witness corroboration, visual monitoring systems, or sound deductive reasoning.

Swabs from public common areas will not be worked (public telephones, business doors, pens from a counter, etc.).

375.6 CRIMINAL PATERNITY CASES
Submissions must include:

• an evidential sample from the child (buccal swab OR the product of conception)
• a buccal swab from the mother or alleged mother
• a buccal swab from the father or alleged father

No partial submissions will be accepted unless dictated by case circumstances (e.g., mother is deceased or maternity is in question and the father is known).

375.7 DNA ANALYSIS FOR COURT
Requests must be submitted to the lab a minimum of 90 days prior to the trial date. This will allow the lab to perform the analyses in an adequate manner.
Chaplains

376.1 PURPOSE AND SCOPE
This policy establishes the guidelines for Fontana Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

376.2 POLICY
The Fontana Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

376.3 ELIGIBILITY
Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
(b) Managing their households, families and personal affairs well.
(c) Having a good reputation in the community.
(d) Successful completion of an appropriate-level background investigation.
(e) Be active in the pastorate within their denomination and within the greater Fontana area.
(f) 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.

376.4 RECRUITMENT, SELECTION AND APPOINTMENT
The Fontana Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as other department volunteer positions before appointment.

376.4.1 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

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.

376.5 IDENTIFICATION AND UNIFORMS
As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of “Chaplain” on the uniform and not reflect any religious affiliation. Chaplains will be issued Fontana Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Fontana Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

376.5.1 TRAINING
Chaplains should complete the suggested minimum training for the Chaplaincy Program as listed in the Department Training Plan prior to becoming a regular member of the organization.

376.6 CHAPLAIN COORDINATOR
The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative Services Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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

(a) Recruiting, selecting and training qualified chaplains.
(b) Conducting chaplain meetings.
(c) Establishing and maintaining a chaplain callout roster.
(d) Maintaining records for each chaplain.
Chaplains

(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.

376.6.1 ADDITIONAL REGULATIONS AND PROCEDURES

(a) The chaplain is not a law enforcement officer. Their responsibility is to assist the law enforcement officer when asked to do so in matters within the chaplain's realm (aid in meeting spiritual, emotional and physical need of those involved with law enforcement officials).

(b) The chaplain is not to release information to the news media or insurance agencies on any case which has been brought to their attention while working with the Fontana Police Department.

(c) The chaplain is not to interfere with officers of the Fontana Police Department performing their assigned task. They shall act only at the request of a Fontana Police Department officer.

(d) The chaplain is not to question the procedure or manner in which a Fontana Police Department officer handles a particular situation in the presence of other persons involved or the general public. Any such questions shall be addressed to the particular officer at such time thereafter when privacy between the officer and chaplain is guaranteed. If the chaplain is not satisfied with the officer's explanation, they should consult the officer's immediate supervisor.

(e) Chaplains may not accept gratuities offered for their services or follow-up contacts while functioning as a chaplain for the Fontana Police Department.

376.7 DUTIES AND RESPONSIBILITIES
Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the 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 Fontana Police Department.

376.7.1 COMPLIANCE
Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

376.7.2 OPERATIONAL GUIDELINES
Fontana Police Department
(a) Chaplains shall be permitted to ride with officers during any shift and observe Fontana Police Department operations, provided the Watch Commander has been notified and has approved the activity.
(b) Chaplains shall not be evaluators of members of the Department.
(c) In responding to incidents, a chaplain shall never function as an officer.
(d) 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.
(e) Chaplains shall serve only within the jurisdiction of the Fontana Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

376.7.3 ASSISTING DEPARTMENT MEMBERS
The responsibilities of a chaplain related to department members include, but are not limited to:
(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
(b) Visiting sick or injured members in the hospital or at home.
(c) Attending and participating, when requested, in funerals of active or retired members.
(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
(e) Providing counseling and support for members and their families.
(f) Being alert to the needs of members and their families.

376.7.4 ASSISTING THE DEPARTMENT
The responsibilities of a chaplain related to this department include, but are not limited to:
(a) Assisting members in the diffusion of a conflict or incident, when requested.
(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

376.7.5 ASSISTING THE COMMUNITY
The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

376.7.6 CHAPLAIN MEETINGS
All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

376.8 PRIVILEGED COMMUNICATIONS
No person who provides chaplain services to members of the Department may work or volunteer for the Fontana Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Fontana Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.
Chaplains

376.9 TRAINING
The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity
Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

380.1.1 POLICY
It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Fontana Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

380.2 POLICY
It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Fontana Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

380.2.1 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, dependent minor children.

Any decision regarding placement of children should be made in the best interest of the child. In such cases the following guidelines should be followed:

(a) Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.

(b) Provide for the immediate supervision of minor children until an appropriate caregiver arrives.

(c) Notify Child Protective Services if appropriate.

(d) Notify the field supervisor or Watch Commander of the disposition of minor children.

(e) Adhere to Section 330.6 Protective Custody

If children are at school or at a 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 parent's arrest and of the arrangements being
made for the care of the arrestee’s children, and then record the result of such actions in the associated report.

380.2.2 DURING THE BOOKING PROCESS
During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law (Penal Code § 851.5(c)).

380.2.3 REPORTING
For all arrests where children are present or living in the household, and arrangements for their continued care are necessary, the reporting employee will include information about the children, including names, gender, age and how they were placed in their report.

380.3 PROCEDURES DURING AN ARREST
When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

380.4 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.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.
Service Animals

382.1 PURPOSE AND SCOPE
The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

382.1.1 DEFINITIONS
Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

382.2 POLICY
It is the policy of the Fontana Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

382.3 IDENTIFICATION AND USE OF SERVICE ANIMALS
Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with
schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.4 INQUIRIES AND COMPLAINTS
Under the Americans with Disabilities Act, people with disabilities have the right to be accompanied by service animals in all public areas and the Fontana Police Department considers interference with or denial of this right by any member of this department to be a serious violation of this policy. Complaints alleging violations of this policy against any department employee will be promptly investigated and should be referred to the Internal Affairs Unit.

382.5 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 Fontana Police Department affords to all members of the public (28 CFR 35.136).

382.5.1 INQUIRY
If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal’s status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

382.5.2 CONTACT
Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

382.5.3 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)).
Service Animals

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

382.5.4 COMPLAINTS
When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).
Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE
The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Fontana Police Department with respect to taking law enforcement action while off-duty.

386.2 POLICY
Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

386.3 FIREARMS
Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer’s senses or judgment.

386.4 DECISION TO INTERVENE
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.

386.4.1 INTERVENTION PROCEDURE
If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a Fontana Police Department officer until acknowledged. Official identification should also be displayed.

386.4.2 INCIDENTS OF PERSONAL INTEREST
Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

386.4.3 NON-SWORN RESPONSIBILITIES
Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

386.4.4 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.

386.5 REPORTING
Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.
Department Use of Social Media

389.1 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).

389.1.1 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

389.2 POLICY
The Fontana 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.

All department activity including posts and comments will adhere to the social media providers terms.

389.3 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.
Department Use of Social Media

389.4 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, but are not limited to:

(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.

389.4.1 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 Press 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.

389.5 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 Fontana 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.
389.6  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.

389.7  RETENTION OF RECORDS
The Administrative Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention police department of social media archive data.

389.8  TRAINING
Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.
Gun Violence Restraining Orders

390.1 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).

390.1.1 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).

390.2 POLICY
It is the policy of the Fontana Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the department pursuant to such orders.

390.3 GUN VIOLENCE RESTRAINING ORDERS
An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request a temporary order (Penal Code § 18140).

390.3.1 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).

390.4 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 Support Services 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.

390.4.1 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 Support Services Supervisor for filing with the court and appropriate databases.
390.5 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.

390.6 SUPPORT SERVICES SUPERVISOR RESPONSIBILITIES
The Support Services 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

390.7 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.

390.8 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.

390.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR
The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
   1. A temporary emergency gun violence restraining order.
   2. An ex parte gun violence restraining order.
   3. A gun violence restraining order issued after notice and hearing.
(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
   1. Whether threats have been made, and if so, whether the threats are credible and specific.
   2. Whether the potential victim is within close proximity.
   3. Whether the person has expressed suicidal tendencies.
   4. Whether the person has access to firearms.
   5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
   6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
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 Support Services Supervisor for recording in appropriate databases and required notice to the court, as applicable.

3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).

4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.

5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

390.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS
The Investigations 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).

390.11 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).
Gun Violence Restraining Orders

390.12 TRAINING
The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).
Chapter 4 - Patrol Operations
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 INFORMATION SHARING
To the extent feasible, all information relevant to the mission of the Department should be shared among all 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.

400.3 CROWDS, EVENTS AND GATHERINGS
Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.4 POLICY
The Fontana Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.
400.5 FUNCTION
Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Fontana. 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.
Bias-Based Policing

402.1 PURPOSE AND SCOPE
This policy provides guidance to department members that affirms the Fontana Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department’s relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 <STRONG>DEFINITIONS</STRONG>
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).

402.2 POLICY
The Fontana Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED
Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT
Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.
402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.5 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 recordings, portable audio/video recordings, mobile digital computer data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
   1. Supervisors should document these periodic reviews.
   2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

402.6 SUPERVISION AND ACCOUNTABILITY

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with it. This supervisory responsibility includes monitoring employee compliance with this General Order, determining if noncompliance is intentional or because of a lack of training and initiating the appropriate corrective or disciplinary action, if noncompliance is for a reason other than lack of training.
## 402.7 TRAINING
Training on fair and objective policing and review of this policy should be conducted as directed by the Personnel and Training Division.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

## 402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Internal Affairs Supervisor and the Records Supervisor or the authorized designee shall ensure that all data required by the Department of Justice (DOJ) regarding citizen complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).
Briefing Training

404.1 PURPOSE AND SCOPE
Briefing training is generally conducted at the beginning of the officer’s assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Special Orders or changes in Special Orders

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS
The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.
Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY
It is the policy of the Fontana Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.3 SCENE RESPONSIBILITY
The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

406.4 FIRST RESPONDER CONSIDERATIONS
The following list generally describes the first responder’s function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.
(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
(d) Provide first aid to injured parties if it can be done safely.
(e) Evacuate the location safely as required or appropriate.
(f) Secure the inner perimeter.
(g) Protect items of apparent evidentiary value.
(h) Secure an outer perimeter.
(i) Identify potential witnesses.
(j) Start a chronological log noting critical times and personnel allowed access.
406.5 SEARCHES
Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 CONSENT
When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

406.6 EXECUTION OF HEALTH ORDERS
Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).
Special Enforcement Detail

408.1 PURPOSE AND SCOPE
The Special Enforcement Detail (SED) is comprised of two specialized teams: the Hostage Negotiation Team (HNT) 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 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY
The Policy Manual sections pertaining to the Special Enforcement Detail are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

408.1.2 SED TEAM DEFINED
A SED 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.

408.2 LEVELS OF CAPABILITY/TRAINING

408.2.1 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.

408.2.2 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.

408.2.3 LEVEL III
A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time 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.

408.3 POLICY
It shall be the policy of this department 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 difficult at best 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.

408.3.1 POLICY CONSIDERATIONS
A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team’s capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

408.3.2 ORGANIZATIONAL PROCEDURES
This department shall develop a separate written set of organizational procedures 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.
Special Enforcement Detail

(i) Specialized functions and supporting resources.

408.3.3 OPERATIONAL PROCEDURES
This department shall develop a separate written set of operational procedures in accordance with
the determination of their level of capability, using sound risk reduction practices. The operational
procedures should be patterned after the National Tactical Officers Association Suggested SWAT
Best Practices. Because such procedures are specific to SED 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.

408.4 TRAINING NEEDS ASSESSMENT
The SED Commander shall conduct an annual SWAT and HNT training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1081).

408.4.1 INITIAL TRAINING
SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

408.4.2 UPDATED TRAINING
Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

408.4.3 SUPERVISION AND MANAGEMENT TRAINING
Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.
408.4.4 SWAT ONGOING TRAINING
Training shall be coordinated by the SED Commander. The SED Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill, or are on light duty status with a doctor’s note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SED 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.

408.4.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

408.4.6 SCENARIO BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Unit. Such documentation shall be maintained in each member’s individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

408.5 UNIFORMS, EQUIPMENT, AND FIREARMS

408.5.1 UNIFORMS
SED teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.
408.5.2 EQUIPMENT
SED teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

408.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

408.6 MANAGEMENT/SUPERVISION OF SPECIAL ENFORCEMENT DETAIL
The Commander of the SED shall be selected by the Chief of Police upon recommendation of staff.

408.6.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Field Services Division Commander, the Special Enforcement Detail shall be managed by a lieutenant.

408.6.2 TEAM SUPERVISORS
The Special Weapons and Tactics Team(s) will be supervised by a sergeant. The HNT will be supervised by a Lieutenant or Sergeant as directed by the Chief of Police or his designee.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the SED Commander.

The following represent the supervisor responsibilities for HNT and SWAT.

(a) The HNT supervisor'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 SED Commander.

(b) The SWAT supervisor'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 SED Commander.

408.7 HOSTAGE NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES
The Hostage 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 Hostage Negotiation Team.

408.7.1 SELECTION OF PERSONNEL
Interested sworn personnel, who are off probation, shall submit a memorandum the appropriate Division Commander. Qualified applicants will then be invited to an oral interview. 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.

408.7.2 TRAINING OF NEGOTIATORS
Those officers selected as members of the Hostage 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 supervisor.

A minimum of one training day per month will be required to provide the opportunity for role playing, situational training, and equipment deployment for all members of HNT necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Hostage Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

408.8 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.

408.8.1 SELECTION OF PERSONNEL
Interested sworn personnel who are off probation shall submit a memorandum to the appropriate Division Commander. 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 SWAT Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SED 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 SWAT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.

(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 SWAT Commander, for final selection.

408.8.2 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 SWAT Commander. The performance and efficiency level, as established by the team supervisor, 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.

408.9 OPERATION GUIDELINES FOR SED  
The following procedures serve as guidelines for the operational deployment of SED. Generally, the Special Weapons and Tactics Team and the Hostage 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 Hostage Negotiation Team such as warrant service operations. The Hostage Negotiations Team may also encounter situations not requiring the physical presence of SWAT, such as a suicidal subject threatening to jump from a building. This shall be at the discretion of the SED Commander.

408.9.1 ON-SCENE DETERMINATION  
The supervisor in charge on the scene of a particular event will assess whether SED is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the SED Commander.
408.9.2 APPROPRIATE SITUATIONS FOR USE OF SED
The following are examples of incidents which may result in the activation of SED:
   (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.

408.9.3 OUTSIDE AGENCY REQUESTS
Requests by field personnel for assistance from outside agency SED units must be approved by the Watch Commander. Deployment of the Fontana Police Department SED in response to requests by other agencies must be authorized by the Chief of Police, Deputy Chief of Police, or a Division Commander. This provision does not apply when the team responds to incidents in Rialto or Colton as outlined in their regional memorandum of understanding.

408.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS
The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.
   (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
   (b) Members of the Fontana Police Department SWAT team shall operate under the policies, procedures and command of the Fontana Police Department when working in a multi-agency situation.

408.9.5 MOBILIZATION OF SED
The On-Scene supervisor shall make a request to the Watch Commander for SED. The Watch Commander shall then notify the SED Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Dispatch Center by the SED Commander. The Watch Commander will then notify the Field Services Division Commander as soon as practical.

The Watch Commander should advise the SED 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.
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(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 SED Commander or supervisor shall then call selected officers to respond.

408.9.6 FIELD UNIT RESPONSIBILITIES
While waiting for SED, 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) Evacuate any injured persons or citizens in the zone of danger.

(d) Attempt to establish preliminary communication with the suspect.

(e) Be prepared to brief SED Commander and/or supervisors on situation.

(f) Plan for, and stage, anticipated resources.

408.9.7 ON-SCENE COMMAND RESPONSIBILITIES
Upon arrival of SED at the scene, the Incident Commander shall brief the SED Commander and team supervisors about the situation. Upon review, it will be the Incident Commander’s decision, with input from the SED Commander, whether to deploy SED. Once the Incident Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SED Team. The Incident Commander and the SED Commander (or his or her designee) should maintain communications at all times.

408.9.8 COMMUNICATION WITH HOSTAGE NEGOTIATIONS TEAM PERSONNEL
All of those persons who are non-Hostage Negotiation Team personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Field Services require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Hostage Negotiation Team personnel directly. All non-emergency communications shall be channeled through the Hostage Negotiation Team Supervisor or his or her designee.
Ride-Along Policy

410.1 PURPOSE AND SCOPE
This policy establishes guidelines governing the department's limited Ride-Along Program. Persons falling into the categories listed below are approved to ride with patrol officers, subject to approval by the duty watch commander.

410.1.1 ELIGIBILITY
(a) Peace officers currently employed by other agencies, as defined in Penal code sections 830.0 through 830.8, inclusive.
   1. Must sign liability waiver indicating there is no violation of current department's policy by riding along with the Fontana Police Department.
(b) Probation or parole officers
   1. Must sign liability waiver indicating there is no violation of current department's policy by riding along with the Fontana Police Department.
(c) Judges
(d) Deputy district attorneys
(e) Members of the news media (must have prior approval of the Chief of Police)
(f) Fontana Police Department Dispatchers
(g) Fontana Police Department Explorers
(h) Civilian P.D. Employees
(i) Police employee family members
(j) Fontana Police Department Chaplains
(k) Cadets are covered in Policy Manual section 1048.
(l) Others, as approved by the Chief of Police or division commander.

410.1.2 AVAILABILITY
The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.

410.2 RESTRICTIONS AND LIMITATIONS
In each case, clearance must be made through the on-duty watch commander prior to the ride-along, and dispatch will be notified so that all on-duty personnel will be aware of the presence of the ride-along passenger. Information such as clothing, physical description, etc., shall be relayed to other officers.
Ride-Along Policy

Participants who are currently sworn peace officers within the state of California may carry a firearm but shall not draw or use said firearm except in the preservation of life.

Participants who are currently sworn peace officers may ride along no more than twice before submitting an application to become a Fontana Police Officer.

Any person taking part in a ride-along shall sign the appropriate waiver (FPD Form #014) before entering the unit. This requirement shall not apply to persons who are in the department vehicle pursuant to G.O. 706.

With the exception of Fontana Police Department Chaplains and Fontana Police Cadets, there shall be no more than one (1) ride-along participant per shift. One or more Chaplains or Cadets may ride-along in a shift while another approved ride-along participant is riding. (i.e. An explorer may not ride-along if a dispatcher or family member is on a ride-along)

410.2.1 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.

410.2.2 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 or, in the case of applicants, as scheduled by the Administration Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.3 FONTANA POLICE OFFICERS RIDE-ALONG WITH OTHER AGENCIES
Police officers for this department may ride along with other law enforcement agencies once the following requirements are met:

(a) The officer understands that for the period of time that they ride along with any other law enforcement agency, their powers and authority as a peace officer for the city of Fontana are temporarily suspended.

(b) The Chief of Police or his designee may assign police officers of this department to ride with other law enforcement agencies. Such an assignment shall not result in a temporary suspension of peace officer powers.

410.3 OFFICER’S RESPONSIBILITY
The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation
and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

410.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer
(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer’s duties
(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person
(g) The ride-along participant(s) may witness a criminal act or arrest, which may require their presence in court. If the participant does witness a criminal act, the officer shall include in the narrative portion of his/her report the fact that he/she had a passenger present during field training who witnessed the incident. Only the name of the ride-along participant shall appear in the report.

410.5 FONTANA POLICE DISPATCHER FIELD TRAINING RIDE-ALONG
The dispatcher field training program supplements continuing in-service training for personnel assigned to dispatch for the purpose of increased awareness of officers’ field techniques and maintaining open channels of communication between officers and dispatch. Allowing dispatch personnel the opportunity for field training increases dispatcher job knowledge and awareness of the duties and responsibilities of field officers.

410.5.1 DISPATCHER PARTICIPATION GUIDELINES
(a) Frequency:
   1. All employees assigned to dispatch shall participate in a six (6) hour, on-duty, field training once every six-month period.
(b) Scheduling:
Ride-Along Policy

1. The mandatory time periods will be assigned by the dispatch supervisor in accordance with coverage for the dispatch center and availability of the police personnel on duty.

2. Dispatch personnel will ride with a sergeant or designated senior officer as so appointed by the watch commander. FTO personnel are recommended.

(c) Appearance:

1. Dispatch personnel will be expected to conform to departmental grooming and dress standards.

(d) Conduct:

1. The dispatcher shall refrain from expressing approval or disapproval of an officer's actions to any arrestee, victim or witness, etc. The dispatcher may feel free to question the officer later in private. No cameras, tape recorders, or other recording devices shall be permitted during the field training. The dispatcher shall remain in the unit unless advised that she/he may exit.

410.6 EXPLORER FIELD TRAINING RIDE-ALONG

The Explorer Field Training Program has been established to allow Fontana Law Enforcement Explorers and Fontana Emergency Services Explorers the opportunity to observe field activities of officers and dispatchers of this department. This will allow explorers an opportunity to learn more about the city and the career of law enforcement in general.

410.6.1 EXPLORER PARTICIPATION GUIDELINES

(a) Criteria:

1. Explorer must be in good standing with the Post.

2. Explorer must have a current signed liability waiver (with parent's authorization if Explorer under 18 years of age) and medical release on file and a ride-along request memo signed by a Post advisor. The Post advisor will confirm approval with parents via telephone.

3. After completing two (2) ride-alongs, Explorers must complete and pass a department-approved explorer academy to participate in additional ride-alongs.

4. Explorer must have passed a test on radio codes and procedures.

5. Explorer must have donated twenty (20) hours to explorer functions to participate in each field-training program ride-along.

6. Explorer must have completed 4 hours of training in Dispatch and 4 hours of training on the front desk.

(b) Participation:
Ride-Along Policy

1. The Explorer shall present the release of liability to the Post advisor. The Post advisor will verify with the scheduling Sergeant or communications supervisor the appropriate shift, date, and time.

2. The explorer will be provided a memo from the post advisor setting out the date, time, place, and officer assigned to.

3. Explorers may ride with an officer or observe in dispatch for a period of up to eight (8) hours. Explorers under the age of 18 will be required to end their field-training program prior to 2100 hours on days which precede a school day. All explorers, regardless of age, will end their field-training program by 2400 hours on any day of the week unless waived by the on-duty watch commander. Explorers should arrange for transportation home prior to their field-training program.

4. The on-duty watch commander, communications supervisor, assigned officer, or explorer advisor may cancel the field-training program ride-along at any time without prior notice.

5. Explorers shall conform to departmental uniform and grooming policies.

6. Explorers conduct shall be maintained as dictated by department and explorer post policies.

410.7 CIVILIAN POLICE DEPARTMENT PERSONNEL RIDE-ALONG

The purpose for a ride-along program for civilian department employees is to expose them to different aspects of the police operation. Through participation in a ride-along, civilian employees and volunteers will have an enhanced understanding of police department operations and how their particular job functions are tied to the basic police mission, providing direct uniform patrol services to the public.

410.7.1 CIVILIAN POLICE DEPARTMENT PERSONNEL PARTICIPATION GUIDELINES

(a) Criteria

1. For purposes of this section, civilian employee also means "volunteer."

2. All civilian personnel, with the exception of Community Service Officers, shall participate in a ride-along during off-duty time. This participation is voluntary and the employee shall receive no compensation.

3. Community Service Officers may participate in a ride-along only during regular duty hours. Such ride-alongs shall be approved by the on-duty Watch Commander.

(b) Participation

1. Employee may ride with family member while he/she is on duty or may ride with a supervisor, Field Training Officer or senior officer at any time.
Ride-Along Policy

2. Civilian employees may participate in a ride-along for a period of up to four (4) hours.

3. The on-duty Watch Commander, supervisor, or assigned officer may cancel the ride-along at any time without prior notice.

4. Civilian employees' ride-alongs must be authorized by the Watch Commander, or his/her designee, prior to participation in the program.

(c) Frequency / Participation

1. Civilian employees shall be permitted to participate in a ride-along a maximum of once (1) every six months at the discretion of the appropriate Division Commander in concurrence with the scheduling Sergeant.

2. Only one (1) civilian employee shall be allowed to participate at a time. Cadet Officers are exempt from this limitation.

3. Civilian employee will be expected to conform to departmental grooming and dress standards.

4. Civilian employee shall refrain from expressing approval or disapproval of an officer's actions to any arrestee, victim, witness, etc. The employee is encouraged to ask questions. No cameras, tape recorders, or other recording devices shall be permitted during the ride-along. The employee shall remain in the unit unless advised that she/he may exit.

410.8 POLICE EMPLOYEE FAMILY MEMBER RIDE-ALONG

The purpose for a Police employee family member ride-along is to expose the Police employee's family members to the reality of police work. It will enable Police employees to share their work experience with family members in hopes of enhancing the family members understanding of the duties, responsibilities, and challenges faced by Police employees on a daily basis.

410.8.1 POLICE EMPLOYEE FAMILY MEMBER PARTICIPATION GUIDELINES

(a) Criteria:

1. Family member is defined as a spouse, child, parent, brother, sister and mother or father-in-law.

2. Children must be at least 16 years of age to participate.

(b) Participation:

1. Family member may ride with involved employee while he/she is on duty or may ride with a supervisor, Field Training Officer or senior officer at any time.

2. A minor child shall receive parents' authorization by signature on the release of liability form.
Ride-Along Policy

3. Family members may participate in a ride-along for a period of up to four (4) hours. Family members under the age of 18 will be required to end their ride-along prior to 2100 hours on days, which precede a school day and 2300 hours on non-school nights.

4. The on-duty Watch Commander, supervisor, or assigned officer may cancel the ride-along at any time without prior notice.

5. All family member ride-alongs must be approved by the Watch Commander, or his designee, prior to participation in the program.

6. A family member shall be permitted to participate in a ride-along a maximum of once (1) every six months at the discretion of the Field Services Division Commander in concurrence with the scheduling Sergeant.

7. Only one family member shall be allowed to participate at a time.

8. Family members must be dressed in appropriate attire. Shorts, tank tops, sandals and other such clothing will not be allowed. The judgment of the Watch Commander shall be adhered to.

9. The family member shall refrain from expressing approval or disapproval of an officer's actions to any arrestee, victim, witness, etc. The family member is encouraged to ask questions. No cameras, tape recorders, or other recording devices shall be permitted during the ride-along. The family member shall remain in the unit unless advised that she/he may exit.

410.9 POLICE DEPARTMENT CHAPLAINS
The Fontana Police Department Chaplaincy Program has been established to enhance the police department's ability to provide service to the community. Allowing Chaplains to observe field activities will provide a greater degree of assistance to the citizens of Fontana through their counseling capabilities as well as in other areas of their expertise. (Refer to G.O. 376)

410.9.1 POLICE DEPARTMENT CHAPLAINS PARTICIPATION GUIDELINES
(a) Criteria
1. Participation is voluntary and the Chaplain shall receive no compensation. Such ride-alongs shall be approved by the on-duty watch commander.

(b) Participation
1. Chaplains may participate in ride-alongs as often as they desire. Chaplains are encouraged to participate a minimum of one 8-hour shift each calendar month.

2. Chaplains shall conform to departmental uniform and grooming policies.

3. There will be no limit to the number of Chaplains per shift that can participate.
Ride-Along Policy

4. The Chaplain is not to question the procedure or manner in which a Fontana Police Department officer handles a particular situation in the presence of other persons involved or the general public. Any such questions shall be addressed to the particular officer at such time thereafter when privacy between the officer and chaplain is guaranteed. If the Chaplain is not satisfied with the officer’s explanation, they should consult the officer’s immediate supervisor.

5. The Chaplain is not to interfere with officers of the Fontana Police Department performing their assigned task. They shall act only at the request of a Fontana Police Department officer.

410.10 QUALIFIED STUDENTS

The purpose for a ride-along policy for qualified students is to expose those students to the various aspects of police work. It also will allow students, whose instructors mandate a ride-along as part of the class, an opportunity to complete their requirements. The policy will also assist personnel officers in identifying potential candidates for various positions at the department.

410.10.1 QUALIFIED STUDENT PARTICIPATION GUIDELINES

(a) Criteria

1. A qualified student is defined as any student currently enrolled in some type of law enforcement class or classes, whether the class is high school or college level.

2. Students must be at least 16 years of age.

3. Students must have a signed letter from their instructor, on school letterhead, indicating the student is in good standing and is required to participate in a ride-along as part of the class requirements.

4. All student ride-alongs must be approved by the Personnel/Training Sergeant prior to participation in the program. Upon receipt of the participation letter, the Personnel/Training Sergeant will schedule the participant on the ride-along calendar, and send applicable emails to the watch commanders and sergeants who will be working at the scheduled time.

(b) Participation

1. Qualified students may ride with a supervisor, Field Training Officer, or senior officer as designated by the on-duty watch commander.

2. A minor child shall receive parents’ authorization by signature on a Fontana Police Department Release of Liability form.

3. Students may participate in a ride-along for a period of up to four (4) hours. Students under the age of 18 will be required to end their ride-along prior to 2100 hours on days which precede a school day, and by 2400 hours on non-school
nights. Students 18 years of age or older will end their ride-along by 2400 hours on all nights unless waived by the watch commander.

4. The on-duty watch commander, supervisor, or assigned officer may cancel the ride-along at any time without prior notice.

5. Qualified students shall be permitted to participate in the program, as their classes require, but not more than once every six months.

6. Only one qualified student shall be allowed to participate at a time.

7. Qualified students must be dressed in appropriate attire. Shorts, tank tops, sandals, or any controversial clothing will not be allowed. The judgment of the watch commander shall be the determining factor.

8. Students shall refrain from expressing approval or disapproval of an officer's actions to any arrestee, victim, witness, etc. Students are encouraged to ask questions. No cameras, tape recorders, camera phones, or other recording devices shall be permitted during the ride along. The student shall remain in the police car unless advised that he/she may exit.
Hazardous Material Response

412.1 PURPOSE AND SCOPE
Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED
A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to public health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE
Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver’s manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

412.2.1 CLANDESTINE LABS
If the suspected hazardous scene is determined to be related to a clandestine laboratory the narcotics supervisor or designee will be notified by the on-scene supervisor. The narcotics supervisor will respond with the appropriate narcotics personnel to conduct the lab investigation in accordance with the narcotics manual and lab protocol.
412.3 REPORTING EXPOSURE(S)
Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the 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.

If applicable, Fontana Police Department personnel exposure report (FPD form # 345) will be completed by the designated supervisor.

412.3.1 SUPERVISOR RESPONSIBILITY
When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

412.3.2 COMPRESSED GAS CYLINDERS
The Fontana Police Department doesn’t store compressed gas cylinders as evidence or for safekeeping, and they will be treated as a hazardous material when located in the field. In criminal cases involving compressed gas cylinders officers or other employees will handle the collecting of evidence in the following manner:

- Photograph the container and book the photos as evidence
- Do not collect the cylinder
- Do not bring the cylinder to the station

Treat the cylinder as a hazardous material and notify the San Bernardino County Fire Department as stated in this policy. The San Bernardino County Fire Department or the City of Fontana Environmental Control Services will dispose of the cylinder per the City of Fontana Emergency Management Standard Operating Procedures #18 policy.

Nothing in this section should be construed to refer to the procedures used in dealing with the handling of Clandestine Laboratory evidence (SO 10-13)
Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS
Hostage
A person held against his or her will by an armed, potentially armed, or otherwise dangerous suspect who has demonstrated by action, word, or deed willingness to do the person harm in order to compel another party to act or refrain from acting in a particular way, or for personal gratification.

Conventional Hostage Situation:
A scenario in which a person is being held against his or her will by an armed, potentially armed, or otherwise dangerous suspect, the local agency has primary jurisdiction, and the circumstances presented are likely within the resolution capabilities of a properly trained and equipped local tactical and negotiations team. Conventional hostage situations occur in a wide variety of operational enviornments, including open air, accessible structures, hardened strongholds, and vehicles.

Unconventional Hostage Situation:
A scenario in which a person is being held against his or her will by an armed, potentially armed, or otherwise dangerous suspect, the local agency does not have primary jurisdiction, or the circumstances presented are likely beyond the resolution capabilities of a properly trained and equipped local tactical and negotiations team. Unconventional hostage situations occur in a wide variety of operational enviornments and include all terrorist situations and those that are so technical or complex that they are beyond the capabilities of the local tactical element.

Safety Priorities:
The basis for the agency's operational and tactical decisions and comprising the following:

- Hostages
- Innocent involved civilians
- Police officers
- Suspects

Deadly Force:
Hostage and Barricade Incidents

Physical force the suspect uses with the purpose of causing, or which he or she knows to create a substantial risk of causing, death or serious physical injury.

**Deadly Jeopardy:**
A situation in which a person is being directly subjected or exposed to circumstances that create a substantial risk of death, serious physical injury, or the commission of that class of offense under statute that justifies the use of deadly force to prevent or stop (such as rape, sodomy, and kidnapping).

**Deadly Force Justification:**
Circumstances in which the hostage is being subjected to or reasonably appears to be subjected to actions by the suspect that create a substantial risk of causing or resulting in death, serious physical injury, or the commission of that class of offense under statute that justifies the use of deadly force to prevent or stop (such as rape, sodomy, and kidnapping).

**Triggering Point:**
Specific predetermined circumstances that will justify the initiation of direct action to prevent or stop a particular course of suspect behavior (such as physical or sexual assault on the hostage or setting the structure on fire).

**Inner Perimeter:**
A close proximate boundary maintained initially by first responding officers, later transferred to the special weapons and tactics team, and designed to contain the situation to the smallest possible area and prevent access to the target location by persons from the outside.

**Outer Perimeter:**
A boundary outside the inner perimeter maintained by patrol officers and designed to prevent unauthorized persons from entering the area of the critical incident.

**414.2 POLICY**
This agency shall generally respond to and take necessary steps to free innocent persons who are endangered and being held illegally against their will. During situations that involve conventional hostage takings, this agency shall deploy first responding officers to contain the situation and suspects involved when appropriate, pending the arrival of personnel specially trained in negotiations and tactical problem solving. This policy does not prohibit properly trained and equipped first responding officers from taking direct and immediate action- up to and including deadly force- in cases where a hostage is facing deadly jeopardy and the officers’ reasonable actions have a high probability of neutralizing the deadly threat or preventing the situation from escalating.

**414.3 RESOLUTION STRATEGY**
This agency shall take direct action- up to and including the use of deadly force- to ensure the safe release of a hostage facing deadly jeopardy or the commission of that class of offense under
statute that justifies the use of deadly force to prevent or stop. Positive progress shall be defined as developments that increase the probability of the safe release of the hostages, as opposed to the mere passage of time. While it is true that the passage of time may increase the opportunity for such developments, it is also true that a viable rescue opportunity presented and ignored may be lost forever.

414.4 PROCEDURES
A. Initial Response

1. Upon receipt and evaluation of the initial call, dispatch shall send patrol officers and, if appropriate, notify the tactical and negotiation teams.

2. The first responding officer shall assume the role of incident commander (IC) and be responsible for conducting an initial situation and response analysis, determining what resources will likely be required based on the available information, and providing this information to communications. The officer should also be aware that police presence can be a catalyst for suspect response and that he or she must be prepared to take appropriate action should the situation demand it, regardless of the status of additional personnel responding. The officer shall then direct arriving resources to specific positions or the staging area that he or she designates. The officer shall continue functioning as the IC until relieved by a superior officer or an officer with specialized training or expertise in fulfilling this role. Communications shall be continuously updated on officer positions and status and informed if the incident command responsibilities are transferred to another officer.

3. The IC shall confirm that the staging area maximizes the safety of the responding units, and ensure that one officer is assigned at all times to brief arriving personnel.

4. The IC shall consider the agency’s safety priorities and then establish an inner perimeter to contain the problem if such containment is in furtherance of the primary mission objective. During this process, all nonpolice personnel shall be taken from the inner perimeter to an appropriate location for intelligence briefing.

5. The IC shall assess the suspect’s options and related triggering points and then set a contingency plan in motion to counter such options, based on the totality of the circumstances presented.

6. The IC shall ensure that the appropriate specialized resources have been requested (the SWAT team, hostage negotiations and psychological services, the fire department, and so on) and ask that communications keep him or her apprised of specialized unit response status.

7. The IC shall continuously evaluate the situation and determine whether the opportunity and need exists for immediate intervention. The decision should be based on a variety of factors, including the following:

   a. Whether the failure to act could reasonably be expected to result in the loss of life or the loss of additional life.
b. Whether sufficient numbers of properly trained and equipped police personnel are available to effectively neutralize the threat.

c. Whether the target location can be entered or the suspect engaged without inappropriately increasing the risks to the innocent person or persons being held.

d. Whether immediate intervention could limit or preclude the suspect's access to additional victims.

8. When the circumstances suggest an immediate intervention is necessary and appropriate, a properly trained and equipped contact team shall be formed under the supervision of the most qualified officer on scene. The mission of the contact team may vary based on the circumstances presented, but generally the focus is on locating, neutralizing, and apprehending the suspect or cutting off the suspect's access to hostages or containing the suspect in an area that will limit the suspect's movement and opportunity for escape.

B. Secondary Response

The IC is responsible for ensuring that a variety of tasks are addressed during the secondary response phase, including but not limited to the following:

1. Establish an outer perimeter and initiate the evacuation and handling process of those inside. Special consideration shall be given to the handling of those who refuse to be evacuated.

2. Establish a command post location outside the suspect's line of fire and sight, and ensure that responding officers are directed to this location for assignment before they move to the staging area.

3. Initiate an investigation to determine exactly what has occurred and locate, isolate, and debrief victims and witnesses. Debriefing should include obtaining information about the suspect and hostages where relevant and available, specifically the following:

   a. Name
   b. Physical description
   c. Clothing description
   d. Military background
   e. Criminal history
   f. Weapons
   g. Mental state and condition, and the names of treating clinicians.
   h. Circumstances involved in the immediate situation.

4. Obtain the telephone number and physical location of the telephone (if hardwire) in the suspect's location.
Hostage and Barricade Incidents

5. Consider whether it is logical, necessary, and appropriate based on the facts presented to use the telephone in advance of SWAT and negotiations to establish communications and attempt to effect the release of the hostages.

6. Select a location for media response and designate a person to interact with them prior to the arrival of the agency public information officer.

7. Select a location for those responding on behalf of the hostages and designate an officer to interact with them. Make outer perimeter-personnel aware of the presence of those responders and consider that they may attempt to enter the stronghold.

8. Make contact with the person most knowledgeable concerning the floor plan of the target location, including specifics related to keys, doors, locks, fortification, windows, alarms, and any other physical information that might help the resolution efforts.

9. Establish and maintain a log that documents the activities that have occurred and the location and identification of the assigned personnel.

10. Brief the SWAT and negotiations teams upon their arrival.

11. Assist the SWAT team as it relieves the inner perimeter containment personnel.

12. Ensure that all officers relieved report to the command post for reassignment.

C. Negotiations and Tactical Response

Upon the release of the scene to SWAT and negotiations, resolution efforts in situations that do not demand immediate intervention should primarily focus on the following:

1. Reassess the suspect's potential options and related triggering points and ensure that the tactical element is fully informed and prepared to counter such options.

2. Ensure that all operational personnel have a description and photograph of the suspect (if available) and have been briefed on the specific rules of engagement.

3. Deploy long rifle and observer teams to gather real-time intelligence and offer a precise resolution option should the opportunity present itself and be reasonable and justified based on the circumstances and the rules of engagement.

4. Deploy covert sound-gathering equipment (where legally applicable) to obtain objective and accurate intelligence from inside the crisis site.

5. Ensure that the inner perimeter emergency reaction, rescue, and K-9 teams are properly deployed and equipped to address all likely contingencies.

6. Deploy electronic intervention and control equipment (where legally applicable) to take control of hardwire communications and disable cellular communications links from inside the target location.

7. Prepare emergency and deliberate rescue teams.
8. Prepare electronic communications equipment, such as the wireless loud hailer and covert audio-video throw telephone, to facilitate productive negotiations while gathering real-time intelligence from inside the crisis site.

9. Initiate negotiations.

10. Continue negotiations as long as positive progress is being made.

11. Evaluate the viability, necessity, and appropriateness of a tactical resolution- including the long rifle option- in situations where negotiations prove unproductive and a tactical resolution would be reasonable and justified based on the totality of the circumstances.

12. Use a combination of techniques and tactics, in a manner consistent with agency-approved training, until the situation is brought to a successful conclusion.
BARRICADED SUBJECTS

415.1 PURPOSE
This policy provides guidance and direction for those who must respond to and resolve situations involving barricaded suspects or subjects.

415.2 DEFINITIONS
Barricaded Suspect: A criminal suspect who has taken a position in a physical location, most often a structure or vehicle, that does not allow immediate police access—whether fortified or not—and who is refusing police orders to exit. A barricaded suspect may be known to be armed, thought to be armed, have access to weapons in the location, or be in an unknown weapons status.

Barricaded Subject: A person who is not suspected of committing a crime but is the focus of a legitimate police intervention effort—most often involving threats of suicide or mental illness—who has taken a position in a physical location, most often a structure or vehicle, that does not allow immediate police access—whether fortified or not—and who is refusing police orders to exit. A barricaded subject may be known to be armed, thought to be armed, have access to weapons in the location, or be in an unknown weapons status.

Resolution Techniques: Primary police action geared toward resolving a barricaded suspect or subject situation and involving the use of minimally intrusive techniques such as negotiations, time, electronic surveillance, (where legally applicable), and high-energy illumination.

Resolution Tactics: Secondary police action geared toward resolving a barricaded suspect or subject situation and involving the use of intrusive tactics such as window clearing, mechanized ram, chemical agents and related munitions, breach and hold, robot entry and search, off-leash K-9 search, and long-leash K-9 or entry search team.

Safety Priorities: The basis for the agency’s operational and tactical decisions and comprising the following:

- Hostages
- Innocent involved civilians
- Police officers
- Suspects and subjects

Triggering Point: Specific predetermined circumstances that will justify the initiation of direct action to prevent or terminate a particular course of suspect or subject behavior.

Inner Perimeter: A close proximity boundary maintained initially by first responding officers, later transferred to the special weapons and tactics team and designed to contain the situation to the smallest possible area and prevent access to the target location by persons from the outside.
**BARRICADED SUBJECTS**

**Outer Perimeter**: A boundary outside the inner perimeter maintained by patrol officers and designed to prevent unauthorized persons from entering the area of the critical incident.

**Chemical Munitions**: A term used to describe a class of munitions used in barricade situations to compel the involved suspect or subject to exit the target location and most commonly consisting of CS (orthochlorobenzalmalononitrile) and OC (oleoresin capsicum).

**415.3 POLICY**

This agency shall use properly trained, equipped, and supervised field officers to respond and contain a potential barricaded suspect or subject incident.

Should the situation involve overtly dangerous or assaultive behavior directed toward officers or involved citizens, or should it involve suspects wanted on serious felony crimes, the tactical element shall immediately respond and address the problem through primary and secondary resolution options.

In all other cases, after the situation has stabilized, this agency shall closely examine the situation and weigh the benefits of forcing the suspect or subject from the location against the potential costs. This agency shall give special consideration to such things as the commitment of agency personnel and resources and the impact this might have on response capability to other critical incidents in the community, the impact on the community surrounding the police operation, the severity of the crime or situation involved, and the agency safety priorities and the recognition of the risks involved when tactics are used to resolve a barricade.

If a decision is made to continue with the resolution effort, minimally intrusive techniques shall be employed until the suspect or subject exits, the agency decides to discontinue the effort and leave the scene, or the agency decides that the minimally intrusive resolution techniques have failed and the need to take the suspect or subject into custody justifies the transition to tactics.

This agency shall generally not use tactics to resolve a barricade situation unless it has lawful justification to arrest the suspect or subject or take him or her into physical custody.

Positive progress in a barricade resolution effort shall be defined as developments that increase the probability that the suspect or subject will be safely taken into custody, as opposed to the mere passage of time.

**415.4 PROCEDURES**

**A. Initial Response**

1. Upon receipt and evaluation of the initial call, dispatch shall send patrol officers and, if appropriate, notify the tactical and negotiations teams.

2. The first responding officer shall assume the role of incident commander (IC) and be responsible for:

   a. conducting an initial situation and response analysis.
b. determining what resources will likely be required based on the available information.

c. and providing this information to communications.

3. The officer shall also be aware that police presence can be a catalyst for suspect or subject response and that he or she must be prepared to take appropriate action should the situation demand it, regardless of the status of additional personnel responding.

4. The officer shall direct arriving resources to specific positions or the staging area that he or she designates.

5. The officer shall continue functioning as the IC until relieved by a superior officer or an officer with specialized training or expertise in fulfilling this role.

6. Communications shall be continuously updated on officer positions and status and informed if the incident command responsibilities are transferred to another officer.

7. The IC shall confirm that the staging area maximizes the safety of the responding units and ensure that one officer is assigned at all times to brief arriving personnel.

8. The IC shall consider the previously listed safety procedures and establish an inner perimeter to contain the problem. During this process, all nonpolice personnel shall be taken from the inner perimeter to an appropriate location for intelligence debriefing.

9. The IC shall assess the suspect's or subject's options and related triggering points and set a contingency plan in motion to counter such options, based on the totality of the circumstances presented.

B. Stabilization

1. Upon stabilization, the IC shall conduct a secondary assessment and consider what has occurred and the legal standing of the agency to intercede. It is especially important to determine

   a. whether a crime has occurred,

   b. whether the person inside is a suspect in the crime,

   c. whether there is probable cause for his arrest, and

   d. whether the need to apprehend the suspect at that moment outweighs the challenges associated with compelling the suspect or subject to submit to police authority.

2. In the absence of a crime or under circumstances where the IC cannot articulate the legitimate risk of death or serious, the agency's best course of action may be to stand down.

C. Resolving the Situation

1. Upon determining that the agency shall attempt to resolve the barricade situation, the IC shall ensure that the appropriate specialized resources have been requested (the SWAT team, hostage negotiations and psychological services, the fire department and so on) and ask that communications keep him or her apprised of the specialized unit response status.
BARRICADED SUBJECTS

2. The IC shall ensure that a variety of tasks are addressed while awaiting the arrival of SWAT and negotiations, including but not limited to the following:

a. establish and outer perimeter and initiate the evacuation and handling process for those inside. Special consideration must be given to the handling of those who refuse to be evacuated.

b. establish a command post location outside the suspect's potential line of fire and sight, and ensure that responding officers are directed to this location for assignment before they move to the staging area

c. Initiate an investigation to determine exactly what has occurred and locate, isolate, and debrief any witnesses. This should include obtaining information about the suspect where relevant and available, including the following:

(1). Name

(2). Physical description

(3). Clothing description

(4). Military background

(5). Criminal history

(6). Weapons

(7). Mental state and condition, and the names of treating clinicians

(8). Circumstances leading up to the immediate problem.

3. Obtain the telephone number and physical location of the telephone (if hardwire) in the barricade structure. Consider whether it is logical, necessary, and appropriate based on the facts presented to use the telephone in advance of SWAT and negotiations to establish communications and attempt to convince the suspect or subject to surrender.

4. Select a location for media response and designate a person to interact with them prior to the arrival of the agency public information officer.

5. Select a location for those responding on behalf of the barricaded suspect or subject and designate an officer to interact with them. Make outer perimeter personnel aware of the presence of those responders and consider that they may attempt to enter the barricade location.

6. Make contact with the person most knowledgable concerning the floor plan of the barricade location, including specifics related to keys, doors, locks, fortification, windows, alarms, weapons, and any other information that might help the resolution efforts.

7. Establish and maintain a log that documents the activities that have occurred and the location and identification of the assigned personnel.
BARRICADED SUBJECTS

8. Brief the SWAT and negotiations teams upon their arrival.

9. Assist the SWAT team as it relieves the officers responsible for inner perimeter containment personnel.

10. Ensure that all officers relieved report to the command post for reassignment.

D. Negotiations and Tactical Response

Upon release of the scene to SWAT and negotiations, resolution efforts in most situations generally involve the following:

1. Reassess the suspect’s or subject’s potential options and related triggering points and ensure that the tactical element is fully informed and prepared to counter such options.

2. Deploy long rifle and observer teams to gather real time intelligence and offer a precise resolution option should one be reasonable and justified based on the circumstances.

3. Deploy covert sound-gathering equipment (where legally applicable) to obtain objective and accurate intelligence from inside the barricade location. This is critical, especially in cases such as "shot fired" suicide scenarios, where determining the condition and status of the suspect or subject drives the tactics used to resolve the problem.

4. Ensure that the inner perimeter emergency reaction and K-9 teams are properly deployed and equipped to address all likely contingencies.

5. Deploy electronic intervention and control equipment (where legally applicable) to take control of hardwire communications and disable cellular communications links from inside the target location.

6. Prepare the tactical resolution teams, which includes doing such things as formulating a chemical munitions plan, rehearsing the entry element, and staging the robot and mechanized ram.

7. Prepare electronic communications equipment, such as the wireless loud hailer and cover audio-video throw telephone, to facilitate productive negotiations while gathering real-time intelligence from inside the barricade location.

8. Initiate the resolution techniques effort, which is focused on creating the environment for a successful negotiated resolution.

9. Continue the negotiations and related efforts as long as they show positive progress.

10. Evaluate the situation and determine whether it is reasonable, logical, and appropriate to move to resolution tactics.

11. Ensure that appropriate judicial authority (a search warrant for the target location, an arrest warrant or commitment order for the subject known to be inside, and so on) has been issued before the agency uses tactics to enter. Entry based on exigency will be authorized.
only in cases involving immediate and imminent life- and- death circumstances, absent prior approval by the chief officer and agency legal counsel.

12. Use a combination of techniques and tactics, in a manner consistent with agency- approved training, until the situation is brought to a successful conclusion.
Response to Bomb Calls

416.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to assist members of the Fontana 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.

416.2 POLICY
It is the policy of the Fontana Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 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.

416.4 GOVERNMENT FACILITY OR PROPERTY
A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 FONTANA POLICE DEPARTMENT FACILITY
If the bomb threat is against the Fontana 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.

416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY
If the bomb threat is against a county or municipal facility within the jurisdiction of the Fontana 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.
Response to Bomb Calls

416.4.3 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.

416.5 PRIVATE FACILITY OR PROPERTY
When a member of this department receives notification of a bomb threat at a location in the City of Fontana, 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.

416.5.1 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.
(d) Whether to involve facility staff in the search or evacuation of the building.
   1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
   2. The safety of all participants is the paramount concern.
(e) The need for additional resources, including:
   1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

416.6 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 appropriate bomb squad or military explosive ordnance disposal team should 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.
(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.

416.7 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.

416.7.1 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.

416.7.2 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
- 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
Response to Bomb Calls

416.7.3 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.

416.7.4 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

418.1 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).

418.2 POLICY
It is the policy of the Fontana Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

418.2.1 KAISER HOSPITAL REQUESTS
When a medical facility, such as Kaiser Hospital, plans to transfer a patient to a facility for treatment that goes across county lines they may call for an officer to assist them. Psychiatric doctors from Kaiser, or any other facility, can only sign 5150 holds within the county the hospital is located. For this reason, they will request an officer to sign the hold. Officers may sign the hold prepared by the doctors. They may also sign the form utilized by the specific hospital in lieu of the standard 5150 hold form, as long as the reason for the hold is clearly stated on the form. Officers should contact their supervisor with any questions or concerns prior to signing the form.

418.3 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

418.3.1 VOLUNTARY EVALUATION
If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
(b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.

(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

418.4 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.

418.4.1 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).

418.4.2 TRANSPORTATION OF MENTALLY ILL PERSON REQUIRING MEDICAL TREATMENT
Those persons who are injured, over-medicated, or has a physical injury which requires emergency room treatment will be transported by ambulance to the Arrowhead Regional Medical Center, or other appropriate facility. Officers will complete a W&I 5150 72-hour evaluation hold and release form, and deliver it to the ambulance personnel prior to their departure from the scene.

Officers do not need to respond to Arrowhead Regional Medical Center unless so requested by the ambulance personnel. Once treatment has been rendered, the patient will be transported
Mental Illness Commitments

to Arrowhead Regional Medical Center-Behavioral Health Unit, or other appropriate facility as directed by Arrowhead Regional Medical Center personnel.

418.4.3 JUVENILE MENTALLY ILL DETAINEES
The San Bernardino County Department of Behavioral Health provides services to minors, 18 years and younger, through the Children's Crisis Response Team.

CCRT staff are available to respond to the location of a call involving a possibly mentally ill juvenile during specific hours of the week. In those cases, they will evaluate the juvenile and/or family members and determine if there is a need to place the juvenile on a 5150 hold. Officers will remain at the location until CCRT staff advise they are no longer needed. CCRT staff will complete the hold and transport to the hospital if it is deemed necessary. When CCRT staff assume responsibility for the call, the officer will update the call card with the staff members information and request they contact dispatch with a disposition.

In cases where CCRT staff are not available juveniles should be transported to the closest available facility.

418.5 TRANSPORTATION
When transporting any individual for a 5150 commitment, the transporting officer should have the Dispatch Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

418.5.1 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 an 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.
**418.6 TRANSFER TO APPROPRIATE FACILITY**
Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

**418.7 DOCUMENTATION**
The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

**418.7.1 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).
418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.
(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
(c) Facilitate the individual’s transfer to jail.
(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

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.

418.9 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).

418.9.1 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 Unit, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.
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The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

418.10 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

420.1 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.

420.2 POLICY
It is the policy of the Fontana 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.

420.3 RELEASE BY CITATION
Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private persons arrest, shall be released from custody on a citation (Penal Code § 853.6).
The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.3.1 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.

420.3.2 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.

420.4 NON-RELEASE
420.4.1 DISQUALIFYING OFFENSES
An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
(b) Felony domestic battery (Penal Code § 273.5)
(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
(e) Rape of a spouse (Penal Code § 262)
(f) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person’s workplace or residence (Penal Code § 273.6)
(g) Stalking (Penal Code § 646.9)
(h) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

420.4.2 REASONS FOR NON-RELEASE
A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.
(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
   1. The Fontana Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
(d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).
(e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).

(f) The person could not provide satisfactory evidence of personal identification.

1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.

(g) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(h) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(j) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:

(a) Previous failure to appear is on record
(b) The person lacks ties to the area, such as a residence, job, or family
(c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau.

420.5 Misdemeanor Warrants

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence.
(b) The misdemeanor cited in the warrant involves a firearm.
(c) The misdemeanor cited in the warrant involves resisting arrest.
(d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
(e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.
(f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.

(g) The person has other ineligible charges pending against him/her.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

(j) The person cannot provide satisfactory evidence of personal identification.

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

420.6 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 Fontana City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigations Unit for further action including diversion.

420.7 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 he/she feels the situation should be documented more thoroughly in a case report.
Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that members of the Fontana Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY
The Fontana 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.

422.3 CLAIMS OF IMMUNITY
If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.

(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.
422.4 ENFORCEMENT
If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(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.
422.5 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.

422.6 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</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise.</td>
<td>No for official acts. Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise.</td>
<td>No for official acts. Yes otherwise</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Int'l Org Staff (note (b))</td>
<td>Yes (note (c))</td>
<td>Yes (note (c))</td>
<td>Yes</td>
<td>Yes (note (c))</td>
<td>No for official acts. Yes otherwise (note (c))</td>
<td>No immunity or inviolability</td>
</tr>
</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.
Rapid Response and Deployment

424.1 PURPOSE AND SCOPE
Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY
The policy of this department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.

(e) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE
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 immediately 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.

When deciding on a course of action officers should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of two or more officers whenever reasonably possible.

(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(c) Whether the officers have the ability to effectively communicate with others in the field.

(d) Whether planned tactics can be effectively deployed.
(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(f) 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).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.
Immigration Violations

428.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the Fontana Police Department relating to immigration and interacting with federal immigration officials.

428.1.1 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.

428.2 POLICY
It is the policy of the Fontana Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 VICTIMS AND WITNESSES
To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

428.4 IMMIGRATION INQUIRIES PROHIBITED
Officers shall not inquire into an individual’s immigration status for immigration enforcement purposes (Government Code § 7284.6).

428.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)
Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).
Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual’s record (Government Code § 15160).

428.5 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).

428.5.1 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.

428.6 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 supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

428.7 INFORMATION SHARING
No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):
(a) Sending information to, or requesting or receiving such information from federal immigration officials
(b) Maintaining such information in department records
(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

428.7.1 IMMIGRATION DETAINERS
No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

(a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
(b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state 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.

428.7.2 NOTICE TO INDIVIDUALS
Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Fontana Police Department intends to comply with the request (Government Code § 7283.1).

If the Fontana 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).

428.7.3 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).
428.7.4 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The detective bureau 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 Support Services Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the records unit policy).

428.8 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 detective bureau supervisor assigned to oversee the handling of any related case. The detective bureau supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(e) Inform the victim liaison of any requests and their status.

428.8.1 TIME FRAMES FOR COMPLETION
Officer and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating
Immigration Violations

the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 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.

428.8.2 REPORTING TO LEGISLATURE
The detective bureau supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

428.8.3 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).

428.9 TRAINING
The Personnel and Training Sergeant should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.
(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.
(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).
Emergency Utility Service

430.1 PURPOSE AND SCOPE
The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES
The City’s responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen’s residence or business is the customer’s responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Dispatch Center.

430.1.2 ELECTRICAL LINES
City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

430.1.3 EMERGENCY NUMBERS
A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Dispatch Center.

430.2 TRAFFIC SIGNAL MAINTENANCE
The City of Fontana 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.

430.2.1 OFFICER’S RESPONSIBILITY
Upon observing a damaged or malfunctioning signal, the officer will advise the Dispatch Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.
Patrol Rifles

432.1 PURPOSE AND SCOPE
In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Fontana Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

432.2 PATROL RIFLE

432.2.1 DEFINITION
A patrol rifle is an authorized weapon which is owned by the officer or by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. Personally owned rifles may be carried for patrol duty or other units if pre-approved by the Chief of Police and the department Rifle Instructor(s).

Use of personnel utilizing long rifles is not a substitute for I.V.S. response and will not be utilized as such.

432.3 SPECIFICATIONS

(a) Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Colt LE6920 or LE6940 .223/5.56mm.

(b) Officer may purchase their own rifle for on-duty use. The rifle will be departmentally approved.

1. Officers utilizing personally owned rifles must comply with all requirements of the long rifle policy in order to continue to utilize the rifle on-duty. This includes the restrictions on modifications to the rifle. The LE6945 is not authorized for individual officer purchase.

2. The disposition of all personally owned rifles at the time of retirement / separation will be in accordance with current applicable laws.

432.3.1 DEPARTMENTALLY APPROVED RIFLES

<table>
<thead>
<tr>
<th>Make</th>
<th>Model</th>
<th>Caliber</th>
<th>Barrel</th>
<th>Magazine</th>
<th>Select fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colt</td>
<td>LE6920</td>
<td>.223/5.56mm</td>
<td>16.1 in. with 7 to 1 twist</td>
<td>20 or 30 rounds</td>
<td>semi-auto</td>
</tr>
<tr>
<td></td>
<td>LE6940</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Make</th>
<th>Model</th>
<th>Caliber</th>
<th>Barrel</th>
<th>Magazine</th>
<th>Select fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Colt</td>
<td>LE6945</td>
<td>.223/5.56mm</td>
<td>10.3 in.</td>
<td>20 or 30 rounds</td>
<td>semi-auto</td>
</tr>
</tbody>
</table>
*Not authorized for individual purchase by officers.

432.3.2 AMMUNITION
All long rifles will be supplied with approved ammunition provided by the Department. Personally purchased ammunition is prohibited unless it is the same ammunition approved for department use.

Nothing in this policy is intended to preclude a member from using non-approved ammunition when confronted with an emergency situation.

432.3.3 OPTICS, SIGHTS, AND LIGHTS
(a) Officers shall not make any modifications to the long rifle unless authorized by the Chief of Police or his/her designee.

(b) Optics such as Aim-Point (tm) and EoTech (tm) may be purchased by the officer and installed on their assigned rifle.

1. Officers will be required to have a backup iron sight installed capable of use in the event the optical sight fails.

2. Both the optical sight and the backup sight will be military / law enforcement grade and be inspected by a rifle instructor or the Department Armorer prior to installation.

3. Prior to deployment the officer will be required to qualify with both the optical sight and the backup sight.

4. Officers will be required to qualify with both sights during their normal qualifications.

(c) Light mounts may be affixed to the rifles provided they are departmentally approved and inspected by the Armorer or patrol rifle instructor.

432.4 RIFLE MAINTENANCE
(a) Primary responsibility for maintenance of patrol rifles shall fall on the Rangemaster or armorer who shall inspect and service each patrol rifle annually.

(b) Routine cleaning of the weapon is the responsibility of each officer.

(c) Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.

(d) Each patrol rifle shall be subject to inspection by a supervisor, the Rangemaster or Armorer at any time.

432.5 TRAINING
Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 40-hour patrol rifle user's course
and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required
to successfully complete training and qualification every six (6) months conducted by a certified
patrol rifle instructor.

Any officer who fails to qualify or successfully complete two or more department sanctioned
training/qualification sessions will no longer be authorized to carry a patrol rifle. Officers failing
to qualify must successfully retake the initial patrol officers user’s course and qualification before
carrying the rifle.

Records shall be maintained by the range master or firearms instructors of all training and
inspections conducted. A copy shall be forwarded to the Training Division and scanned into the
Laserfiche PD System file.

432.5.1 LONG RIFLE ASSIGNMENT

(a) Assignment of a Long Rifle is a conditional, non-permanent assignment and is not
considered a special team assignment.

(b) Assignment is based upon the needs of the Department and Unit to which the officer
is assigned.

(c) Transfer to another Unit, whether voluntary or not, may result in that long rifle position
being reassigned.

(d) Low or reduced individual performance of officers in their duties and decision-making
skills may result in the inability to carry and utilize the long rifle.

432.6 DEPLOYMENT OF THE PATROL RIFLE

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

(a) Situations where the officer reasonably anticipates an armed encounter

(b) When an officer is faced with a situation that may require the delivery of accurate and
effective fire at long range

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's
firepower

(d) When an officer reasonably believes that there may be a need to deliver fire on a
barricaded suspect or a suspect with a hostage

(e) When an officer reasonably believes that a suspect may be wearing body armor

(f) When authorized or requested by a supervisor

432.6.1 DEPLOYMENT RESTRICTIONS AND CONSIDERATIONS

Because the long rifle is a weapon that requires two hands to control, officers should be aware
of potential safety concerns that could exist.
Patrol Rifles

(a) The length of the patrol rifle makes it cumbersome in close quarters.

(b) There is no means of securing the long rifle outside the carrying case or patrol unit rack.

(c) An officer who deploys a long rifle in the field should not become involved in handcuffing or handling a prisoner.

432.7 DISCHARGE OF THE PATROL RIFLE
The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

432.8 PATROL READY
Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well. There should not be a round in the chamber and the bolt should be closed.

The long rifle will be secured in a Pelican case or padded soft case in the trunk of the patrol unit OR the officer may remove the shotgun from the rack in his/her patrol unit and place the rifle in that rack.

(a) If the shotgun is removed to allow for the rifle to be carried in the rack, the shotgun must be unloaded and placed in the equipment room or in the rack in the trunk of the patrol unit in "cruiser safe" condition.

(b) The officer will be responsible for reloading the shotgun to "cruiser safe" condition and securing it in the unit rack at the end of their shift.

432.9 RIFLE STORAGE
(a) When not in use, department patrol rifles will be stored in the department armory in rifle racks in their approved cases.

(b) Prior to storing the long rifle, the officer will remove the magazine from the magazine well, ensure the chamber is empty, secure the rifle and magazine in the case.

(c) Personally owned long rifles may be stored as stated above or taken home by the officer. If stored at home, long rifles must be safely stored following applicable laws.
Aircraft Accidents

434.1 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.

434.1.1 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.

434.2 POLICY
It is the policy of the Fontana Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

434.3 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).

434.4 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.
434.5 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)

434.6 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) Air Carrier/Operators investigative teams with NTSB approval.
(d) Appropriate branch of the military, when applicable.
(e) 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.

434.7 DANGEROUS MATERIALS
Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:
(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
(b) Pressure vessels, compressed gas bottles, accumulators and tires.
(c) Fluids, batteries, flares and igniters.
Aircraft Accidents

(d) Evacuation chutes, ballistic parachute systems and composite materials.

434.8 DOCUMENTATION
All aircraft accidents occurring within the City of Fontana 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 FPD 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.

434.8.1 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.

434.8.2 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.

434.9 MEDIA RELATIONS
The Press Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.
Aircraft Accidents

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.
Field Training Officer Program

436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer’s transition from the academic setting to the actual performance of general law enforcement duties of the Fontana Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO
(b) Minimum of four years of patrol experience, two of which shall be with this department
(c) Demonstrated ability as a positive role model
(d) Participate and pass an internal oral interview selection process
(e) Evaluation by supervisors and current FTOs
(f) Possess a POST Basic certificate

436.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer’s Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Field Services Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:
Field Training Officer Program

(a) Assignment of trainees to FTOs
(b) Conduct FTO meetings
(c) Maintain and ensure FTO/trainee performance evaluations are completed
(d) Maintain, update, and issue the Field Training Manual to each trainee
(e) Monitor individual FTO performance
(f) Monitor overall FTO Program
(g) Maintain liaison with FTO coordinators of other agencies
(h) Maintain liaison with academy staff on recruit performance during the academy
(i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator’s Course within one year of appointment to this position (11 CCR 1004(c)).

436.3.1 FIELD TRAINING OFFICER PROGRAM SUPERVISOR (LIEUTENANT)
The FTO Lieutenant will be selected by the Chief of Police or his/her designee. The FTO Lieutenant will have the responsibilities of, but not limited to the following:

(a) Monitor overall FTO Program
(b) Assign trainees to FTOs
(c) Review trainee and FTO performance with FTO sergeants
(d) Consult with Training and Recruitment regarding trainees in the academy
(e) Review completed trainee manuals and submit them for filing
(f) Ensure proper training provided for FTOs and FTO supervisors
(g) Review critiques submitted by trainees
(h) Conduct end of phase conference/evaluation with each trainee and assigned FTO

436.4 TRAINEE DEFINED
Any entry level or lateral police officer newly appointed to the Fontana Police who has successfully completed a POST approved Basic Academy.

436.5 REQUIRED TRAINING
Entry level offices shall be required to successfully complete the Field Training Program, consisting of approximately 22 weeks.

The training period for a lateral officer may be modified depending on the trainee’s demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts and geographical areas during their Field Training Program.
436.5.1 FIELD TRAINING MANUAL
Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Fontana 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 Fontana Police Department.

436.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.

436.6.1 FIELD TRAINING OFFICER
The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
(b) Review the Daily Trainee Performance Evaluations with the trainee each day.
(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

436.6.2 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 and POST evaluations.

436.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer’s training files and will consist of the following:

(a) Daily Trainee Performance Evaluations
(b) End-of-phase evaluations
(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training
Obtaining Air Support

438.1 PURPOSE AND SCOPE
The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE
If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements
(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.
Contacts and Temporary Detentions

440.1 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.

440.1.1 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.

440.2 POLICY
The Fontana 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.
440.3 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 Fontana Police Department to strengthen community involvement, community awareness, and problem identification.

440.3.1 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

440.4 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.

440.5 FIELD PHOTOGRAPHS
All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT
Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT
Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. 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.

440.5.3 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 designated criminal intelligence system supervisor. The 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 shall be forwarded to the Records Bureau.
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.

440.5.4 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.

440.6 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 Fontana 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.
Criminal Organizations

442.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that the Fontana Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

442.2 POLICY
The Fontana 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.

442.3 CRIMINAL INTELLIGENCE SYSTEMS
No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.
(b) Use of every criminal intelligence system is appropriately reviewed and audited.
(c) Any system security issues are reasonably addressed.

442.3.1 REPORT TO THE CALIFORNIA DEPARTMENT OF JUSTICE
The Field Services Division Commander or the authorized designee shall ensure that the annual report of information submitted to a shared gang database as required by Penal Code § 186.34 is submitted to the California Department of Justice.

442.4 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.
442.4.1 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 or property units, but should be copies of, or references to, retained documents such as copies of reports, FI forms, dispatch center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

442.4.2 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.

442.5 INFORMATION RECOGNITION
Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Sergeant to train members to identify information that may be particularly relevant for inclusion.

442.6 RELEASE OF INFORMATION
Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.
Criminal Organizations

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.

442.7 CRIMINAL STREET GANGS

The department 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.

442.8 TRAINING

The Training Sergeant should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.
442.8.1 SHARED GANG DATABASE TRAINING
The Training Sergeant should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the department (Penal Code § 186.36; 11 CCR 751.6).

442.9 GANG REGISTRATION
Gang members, who are required to register with the Fontana Police Department as a condition of their parole/probation, shall be registered by a member of the Gang Unit. It is the Gang Unit's responsibility to follow current procedures for this registration process.

442.10 FORFEITURE OF INSTRUMENTALITIES USED BY STREET GANGS
The Legislature, in enacting the Street Terrorism Enforcement and Prevention Act, found that an effective means of punishing and deterring the criminal activities of street gangs is through the forfeiture of instrumentalities used by street gangs. (California Penal Code Section 186.21)

It is the policy of the Fontana Police Department, in order to protect the citizens of the community and gang members from violence caused by street gangs, to seize instrumentalities used by street gangs members based on the following criteria:

(a) Only officers, who are S.M.A.S.H. certified and currently assigned to the gang unit, may seize instrumentalities used by street gangs.

(b) Instrumentalities used by street gangs may only be seized from known gang members. Known gang members are those individuals who have been identified as gang members under the criteria listed in this policy and entered in the CAL GANGS system.

(c) Instrumentalities used by street gangs include but are not limited to; clothing, photographs, notebooks and other items commonly used by street gangs to show gang affiliation.

(d) When seizing instrumentalities used by street gangs officers shall initiate a PC 186.21/186.22 (a) (b) report and complete Fontana Police Department Form # FPD 266 (New 5/97).

1. The seizing officer shall read and supply a copy of the admonishment on the Fontana Police Department Form #FPD 266 (New 5-97) and #FPD 266A (New 6/97) to the individual from whom the property is being seized.

2. Items seized shall be placed on a Fontana Police Department Property Control Report and placed into evidence for safekeeping. The person from whom the property is taken shall be given the yellow copy of the Property Control Report as a receipt.
Criminal Organizations

(a) Property taken from juveniles may only be released to the parent or guardian of the juvenile from whom the property was taken in accordance with department policy for releasing property taken for safekeeping.

(b) Property taken from adults may only be released in accordance with department policy for releasing property taken for safekeeping.

(c) A reasonable notification attempt of the owner of the property taken for safekeeping must be made by officers when property taken for safekeeping is not owned by the person whom it was taken from.

(e) A hearing will be conducted in the event a party from whom property was taken, or who claims to be the owner of the property, wishes to contest the seizure of the property. The hearing officer will be the Commander of the Investigations Unit.

(a) Individuals requesting a hearing shall do so within thirty-(30) days of the seizure. Failure to do so will result in the permanent seizure of the property and disposal of the property after one (1) year.
Mobile Data Computer Use

448.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Dispatch Center.

448.2 MDC CONSIDERATIONS

448.2.1 NON-FUNCTIONING MDC
Whenever possible, officers will not use units with malfunctioning MDC’s. Whenever officers must drive a unit in which the MDC is not working, they shall notify the Dispatch Center. It shall be responsibility of the Dispatch Center to record all information that will then be transmitted verbally over the police radio.

448.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

448.4 POLICY
Fontana Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

448.5 RESTRICTED ACCESS AND USE
MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member’s name or to use the password of another member to log in to the MDC system.
unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

448.5.1 USE WHILE DRIVING
Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. An operator should not attempt to send or review lengthy messages while the vehicle is in motion.

448.6 DOCUMENTATION OF ACTIVITY
Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member’s daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.
(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

448.6.1 STATUS CHANGES
All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC.

448.6.2 EMERGENCY ACTIVATION
If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander is notified of the incident without delay.
Mobile Data Computer Use

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.

448.7 EQUIPMENT CONSIDERATIONS

448.7.1 MALFUNCTIONING MDC
Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Dispatch Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

448.7.2 BOMB CALLS
When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.
Body Worn Computer

450.1 PURPOSE, SCOPE & AUTHORITY
A. Purpose
To provide policy and procedures for use of the body worn computer (BWC).

B. Scope
This policy and its prescribed procedures apply to any department employee assigned a BWC.

C. Authority
The provisions of this policy are subject to all applicable federal, state, local laws and ordinances.

D. Definition-Body Worn Computer Device
For the purpose of this policy the terms body worn camera and body worn computer are synonymous. A body worn computer device consists of a small body worn cell phone with an integrated camera/audio system. BWC files, including photographs, audio recordings and video footage are stored digitally on the device until the system connects to the server. The device offers two recording options. The first option which will be used under normal circumstances is an audio/video combination. The second option is an audio only function which shall be used in limited situations as outlined in this policy. The device will also be used as a digital camera and department audio recorder.

450.2 PURPOSE & OBJECTIVES OF BWC PROGRAM
The department recognizes that audio and video recording of contacts between department personnel and the public provides an objective record of these events. The BWC system complements field personnel in the performance of their duties by providing a digital record of enforcement and investigative field contacts.

While recordings obtained from a BWC provide an objective record of these events, it is understood video recordings captured by a BWC and all other recording devices do not necessarily reflect the experience or state of mind of the individual employee(s) in a given incident. Moreover, the video recording has limitations and may depict events differently than the events recalled by the involved employee. Specifically, it is understood the BWC may capture information that may not have been heard and/or observed by the involved employee(s) and may not capture information observed or heard by the employee(s).

BWC recording perspectives must be considered with all other available evidence, such as officer statements, witness/suspect statements, involved party interviews, forensic analysis, and all other documentary evidence when evaluating the recorded incident.

The purpose and objectives of the department's BWC program are as follows:

- Collect evidence for use in criminal investigations.
Body Worn Computer

- Enhance the quality of cases submitted and evidence collected by the department for prosecution.
- Reduce officer case preparation and court time.
- Provide a resource to employees in completing reports and testifying in criminal proceedings.
- Enhance officer safety by reducing the incidents of criminal activity, violent public interactions, and interference with employees in the performance of their duties.
- Promote accountability, enhance public trust and confidence in the performance of employees.
- Deter and minimize the incidents of false complaints and false allegations of misconduct by members of the public against the department.
- Provide data to assist the department in evaluating and improving department practices, tactics, strategy, officer training and safety practices, and police-community relations.

450.3 RIGHTS OF THE DEPARTMENT

The rights of the department include:

- BWC equipment and all data collected using a BWC is considered a confidential investigative record and is property of the department.
- BWC equipment and all data files are for official use only and shall not be utilized for personal use.
- BWC data shall not be copied, released, or disseminated in any form or manner outside the requirements of this policy.
- Only authorized employees shall use or be in possession of a BWC device, data, or files.
- The BWC "Remote Activation" feature may be used with approval of a supervisor. If a supervisor is not available, any employee may activate this feature during an emergency situation.

450.4 PROCEDURES

A. Employee and Citizen Safety

Employee and citizen safety shall be an employee’s primary consideration, not the ability to record an event.

B. General

- BWCs can only be used for official law enforcement purposes.
- Other than the System Administrator, employees shall not copy, edit, alter, erase or otherwise modify in any manner BWC data, except as authorized by law or department policy.
Body Worn Computer

- Employees shall not remove, dismantle or tamper with any hardware or software components of the BWC system unless specifically directed to do so by the System Administrator.
- Accessing, copying, forwarding or releasing any BWC data for any purpose other than for release to the District Attorney’s Office or official law enforcement use is strictly prohibited.
- Release of BWC data to any person outside the department by any means or public release by any means is prohibited, unless prior express permission is given by the Chief of Police or a designee, except as stated otherwise in department policy.
- Personal computer equipment and software programs shall not be utilized when making copies of BWC data. Using a secondary recording device such as video camera, cell phone or any other electronic device to record or capture BWC data or files is strictly prohibited.
- Employees are required to delete phone call logs, text messages and any other information imported into the BWC system at the end of each shift.
- The use of any personal recording device for the same purpose as a BWC is not authorized.

450.5 BWC SYSTEM ADMINISTRATION
The BWC System Administrator(s) shall be sworn members of the department assigned to the Administrative Services Division. BWC System Administrators are responsible for performing the following duties:
- Maintain, troubleshoot, and conduct minor repairs on the BWC units.
- Conduct system evaluations.
- Maintain a record of assigned BWC and related equipment and maintenance records.
- Arrange the warranty and non-warranty repair for the BWC units.
- Repair and replace BWC components.
- Ensure the software and system settings are updated as necessary.
- Train officers on current policy and proper use of the BWC units.
- Provide technical assistance and subject matter expertise related to investigations.
- Non-sworn members in the Information Technology Department may assist the System Administrator with technical issues as it relates to the BWCs and applicable hardware/software.

450.6 TRAINING
The department shall ensure personnel assigned a BWC and related equipment are trained before use in the field. The training shall include:
- Policy overview
Body Worn Computer

- Operation, activation, deactivation, maintenance and care.
- Mandatory, discretionary and non-permissible uses of body worn computers.
- Significant changes in the law pertaining to body worn cameras.
- GPS function incorporated in each BWC device.
- Supervisory authorization or emergency employee activation for remote turn on.
- Report writing.
- Additional training at periodic intervals to ensure continued effective use of the BWC equipment, performance, and to incorporate change, updates or other revisions in policies and equipment.

450.7 PERSONNEL & ASSIGNMENTS TO DEPLOY BWCS
The following department personnel are required to deploy the BWC system daily:

- All uniformed personnel of Lieutenant rank and below who deploy in the field shall wear a BWC, unless otherwise directed by a supervisor.
- Sworn personnel serving a search warrant should utilize a BWC unless the use of the BWC compromises the identity of undercover officers, places an officer or member of the public in significant risk, harm, or jeopardizes tactics. The decision on activation in these circumstances will be up to the supervisor on scene.
- Detectives assigned to a non-uniformed position should carry and activate the BWC in the field, when the activation would be required under policy or would be beneficial to the situation.
- Officers actively engaged in an undercover operation are exempt from deploying a BWC unless otherwise directed by a supervisor.
- Community Service Officers and Code Enforcement Officers shall carry and activate the BWC in the field, when the activation would be required under this policy or would be beneficial to the situation.
- Animal Service Officers and Field Evidence Technicians who deploy in the field will carry the BWC on their person and activate it when the activation would be beneficial to the situation.
- Any other employee as deemed appropriate when their supervisor reasonably believes such use would be beneficial and within all policies, state, and federal laws.

450.8 OPERATIONAL PROCEDURES

450.8.1 DEVICE STORAGE & CARE
When not in use, the BWC and related equipment shall be kept in a secure area. It is the employees responsibility to ensure the listed items are kept in an area which will prevent the items from being damaged, lost or stolen. The BWC device is water resistant and shall be kept in a dry area on the
employees person during inclement weather. Officers should ensure the BWC device is not left in a hot vehicle for an extended period of time.

450.8.2 PRE-SHIFT INSPECTION
The following pre-shift inspection checks shall be completed prior to the deployment of a BWC by employees:

- BWC equipment is the responsibility of the assigned officer and will be used with reasonable care to ensure proper functioning and reliability.
- Employees should inspect their assigned BWC devices daily to ensure there is no visible damage and the device is in working order.
- Visual damage or loss shall immediately be reported to a supervisor upon discovery.

450.8.3 CAMERA POSITION
Employees shall wear the BWC above the belt line of the torso, facing forward, in a location that will facilitate a useable field of view.

450.8.4 EQUIPMENT REPAIR, REPLACEMENT AND MAINTENANCE
An employee with a BWC in need of repair, replacement or maintenance will turn the device into their immediate supervisor or the system administrator. The supervisor will send the System Administrator an email explaining the malfunction. The employee will obtain a spare BWC from their supervisor before going into service and conduct a pre-shift inspection of the device as outlined in this Policy section 451.8.2.

450.8.5 ADVISEMENTS WHEN RECORDING
As a general rule, employees are encouraged to advise private persons they are being recorded if the advisement may gain compliance, assist in the investigation, and will not interfere with the investigation or employee/officer safety. Employees however, are not required to obtain consent to record from members of the public when the officer is lawfully in the area where the recording takes place.

Residents have a reasonable expectation of privacy in their homes. However, when employees are lawfully present in a home (warrant, consent or exigent circumstances) in the course of official duties, there is no reasonable expectation of privacy, and recording is lawful.

If a resident objects to the recording by the BWC inside of a private residence entered based on consent, the officer may turn off the device. Before terminating a recording for reasons of privacy or other concerns, the officer should document audibly on camera and later in writing, when applicable.

Officers are not required to initiate or cease lawful recording of an event, situation or circumstances solely at the demand of a citizen or when the officer is lawfully in the area where the recording takes place.
450.8.6 WHEN TO ACTIVATE

This policy is not intended to describe every possible situation in which a BWC should or should not be used. Officers should follow the below guidelines, but activate the BWC anytime the officer believes it would be legal, appropriate, and valuable to record an incident. The activation should be prior to contact, or as soon as safely possible to do so, and continue until the contact or event is concluded. If the contact resumes, so should the BWC recording. Officers should not turn the BWC on and off during a single incident as it will create an incomplete or edited recording of the incident, except as stated otherwise in this policy.

The safety of employees and members of the public is the highest priority, and the department acknowledges there may be situations in which operation of the device is impractical or may be an impediment to public or employee safety.

**Investigative or Enforcement related contacts:**

Employees should activate the BWC to record any investigative or enforcement related contacts.

Some examples are as follow's:

- All enforcement encounters where there is at least reasonable suspicion the person(s) has committed, is committing or may be involved in criminal activity or any enforcement encounter where there is reason to believe that the individual is committing a violation for which a citation may be issued.
- Traffic or vehicle stops, stranded motorists, crime interdiction stops.
- Pedestrian stops, field contacts/interviews, consensual encounters, and detentions.
- Calls for service, complaints, and self-initiated activity.
- Backing another city employee or law enforcement officer during any investigative enforcement related contact or any other situation where activation is required.
- Code 3 responses, vehicle pursuits, and foot pursuits.
- Uses of force
- During the execution of a search warrant, an arrest warrant, a Fourth Amendment waiver search, or consent search in which the officer is looking for evidence or contraband and any other situation deemed appropriate.
- Detentions and arrests (arrests, protective custody of mentally disturbed, etc.)
  - Probation, parole, post-release community supervision, mandatory supervision or consent searches.
  - Suspect, victim and witness statements unless otherwise stated under this policy.
- Special events
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- As a general policy, employees should not record peaceful demonstrations.
- Employee use of a BWC to record a special event, such as a political event, demonstration, or protest is at the discretion of the supervisor in charge of the event given no other requirements to record with a BWC have attached.
- During demonstrations, officers should record if the officer witnesses crimes occurring among demonstrators and/or believes enforcement action will be necessary and/or an arrest is likely.
  - All public interaction, regardless of context, that escalates and becomes adversarial.

Lawful Surreptitious Recording

An officer may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be for a lawful investigative purpose (Penal Code 633).

450.8.7 CESSATION OF RECORDING

Officers will use reasonable judgment in determining when to deactivate the body worn camera, such as when the purpose for activation is no longer present. When officers are on lengthy incidents and are not going to be contacting involved parties or the public they can stop recording. An example is a lengthy crime scene once the scene is secured.

Any start/stop exceptions should be documented audibly on camera or in writing when applicable in a report.

450.8.8 ACTIVATION NOT REQUIRED OR NOT PERMISSIBLE

A. Activation not Required or not Permissible:

- Employees are not required to activate the BWC during routine, incidental contact with a citizen, to include but not limited to, giving directions, casual conversation during lunch breaks, etc.
- Employees are not required to record while they are conferring on a call, during tactical briefing and debriefings of events requiring BWC activation or during safety and security procedures. Supervisors are not required to record while performing supervisory duties.
- BWCs shall not be activated anywhere within the department where a reasonable expectation of privacy exists, including, but not limited to, locker rooms, dressing rooms, sleep room, restrooms, briefings, lunchrooms, etc. unless such presence is directly relevant to a criminal investigation.
- BWCs shall not be activated during non-work related activity.
- BWCs shall not be activated 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.
B. Discretionary Video Recording:

Employees shall remain sensitive to the dignity of all individuals being video recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the employee that such privacy outweighs any legitimate law enforcement interest in recording.

Employees should also be mindful of HIPPA laws and consider the audio only option on the BWC device in sensitive situations and all situations mentioned below. Requests to stop recording by the public should be considered using the same criterion. Recording should start or resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

Discretionary Recording is authorized when:

- A witness or victim verbally or in any manner unequivocally refuses to provide a statement if recorded with the BWC or requests confidentiality and the encounter is a non-confrontational one. These interviews may be audio recorded with the BWC audio only recording option.
  
  - Recording is found to be inappropriate because of a victim or witness age, physical condition, emotional state, or other sensitive circumstances.
  
  - Recording would risk the safety of a confidential informant, citizen informant, or an undercover officer.
  
  - Recording would violate federal HIPPA laws, such as when the recording would occur at an in-patient care area of a hospital, mental health facility, emergency rooms or other health care facility, or medical or psychological evaluations are taking place, unless an enforcement action is taking place.
    
    - If a BWC is activated, care should be taken to record only the person you are speaking with.
    
    - Avoid recording exposed areas of the body that could cause embarrassment or humiliation unless such condition is relevant to the criminal investigation.
  
- Employees should not record while inside a jail, detention, or prison facility unless the employee is engaged in an enforcement activity other than that related to booking, detention, or incarceration of the suspect at the facility. Employees are exempt when in our holding facility.

450.9 DOCUMENTATION OF RECORDED EVENTS

A BWC recording is not a substitute for a detailed report and a report shall not list "refer to BWC video" in lieu of writing a detailed report. Employees will document the use of the BWC in some format to include, but not limited to CAD entries, citations, reports, field interview cards, and gang cards.
450.10 ENTERING TAGS/ANNOTATIONS
 Recorded segments may require "Tags/annotations" (case numbers, incident numbers, and other descriptions used to identify digital evidence). "Tags/annotations" should be added at the conclusion of each event. In case of delay, "Tags/annotations" should be added as soon as possible or by the end of shift. Employees are required to tag all BWC data/files related to an incident where a case number was taken. In all cases, "Tags/annotations" should be added to BWC data by the end of the employees shift, on the day the data was created.

450.11 UPLOADING & STORAGE OF RECORDINGS
 All BWC recordings are automatically uploaded to the server. Employees shall make their immediate supervisor aware of data uploading problems as soon as possible.

In the event an employee is involved in an incident where the employee is incapacitated for any reason, the officer's supervisor shall take control of the BWC as soon as possible and assume all responsibility for storage and safekeeping.

450.12 CATEGORIZING AND RETENTION
 A. Categorization
 All tagged BWC data shall contain the case number and should be categorized with one of the tag options listed in Visual Labs.

B. Retention
 All recordings related to criminal proceedings, claims filed, pending litigation, or personnel complaints, shall be preserved in accordance with the law. All other recordings not governed by legal statute shall be retained for 60 days, 60 months, or indefinitely.

450.13 ACCESSING, REVIEWING & RELEASING BWC DATA
 A. Accessing
 Department employees authorized by this policy may review BWC data on authorized equipment. All access to the system is automatically logged, subject to an audit, and is for official use only. Authorization levels vary dependent upon rank/assignment and are assigned by the BWC System Administrator.

B. Reviewing
 Employee Reviewing Allowed:

- An employee may review his or her own BWC recordings at any time, including in connection with an administrative inquiry.
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- An employee may review a BWC recording with other employees as it relates to their involvement in an incident or to continue the investigation.
- Detectives are responsible for reviewing, updating, and tracking digital evidence associated with their assigned cases.
- Any situation not addressed by this policy, but approved by the Chief of Police or his designee.

Administrative Reviewing Allowed:

BWC recordings may be viewed by a supervisor at the rank of Corporal and above or an employee designated by the Chief of Police for the following limited administration purposes:

- Any incident in which a member of the department is injured or killed during the performance of their duties.
- Any incident involving the use of force by a member of the department, including canines, which results in injury or death.
- Any in-custody death
- Any police pursuit
- When any member of the department intentionally or unintentionally discharges a firearm at a person regardless of whether an individual is struck.
- When any member of the department not involved in training intentionally or unintentionally discharges a Conductive Energy Weapon at a person.
- Officer-involved traffic collisions
- During report review, prior to supervisor approval.
- Prior to the release of recordings in response to a proper legal request (e.g., in response to a subpoena or other court order).
- In preparation for a civil deposition or responding to an interrogatory.
- When preparing to testify in a criminal, civil, or administrative proceeding.
- For investigations undertaken by the department, for the purpose of proving or disproving specific allegations of misconduct.
- For administrative proceedings, when digital evidence is used by the department for the purpose of proving or disproving allegations of misconduct, only relevant to the investigative scope shall be reviewed and retained by investigators.
  - Information relevant to the recordings viewed and seized as evidence by the investigators shall be documented as part of the chronological summary of any investigation undertaken by the department.
- To assist the department in evaluating and improving department practices, tactics, strategy, officer training and safety practices, and police-community relations.
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- When a recorded incident is found to be of value for training purposes, the supervisor may allow viewing by the officers involved or other employees who may benefit.

**Reviewing Prohibited:**

- BWC recordings shall not be reviewed solely for the purpose of the discovery of policy violations.

- Review by non-department personnel unless at the direction of the Chief of Police or the Chief's designee, with the exception of the District Attorney's Office and Fontana City Attorneys regarding litigation.

C. Release Outside the Department

BWC data shall be treated as official records and handled pursuant to existing department policies and procedures for release.

BWC recordings will be considered exempt as investigative records per Government Code Section 6254(f). The department will comply fully with the Public Records Act as it applies to BWC footage, but considers all footage exempt from disclosure, except as is determined otherwise by department officials or a court of law. All Public Records Act requests will be processed pursuant to Department Policy 810 pertaining to Records Maintenance and Release. Any release of BWC footage is at the discretion of the Chief of Police and must be authorized by the Chief of Police prior to release.

450.14 REDACTION, FREEZING AND DELETION OF BWC RECORDINGS, DATA & FILES

In the event of an accidental activation of a BWC where the resulting recording is of no investigative or evidentiary value, the recording employee may request that a portion of the BWC data be redacted, frozen or the entire BWC data be deleted by contacting their direct supervisor and then requesting this action through the System Administrator.

The supervisor will notify the Division Commander via the chain of command requesting the deletion/redaction. If approved, the Division Commander will notify the System Administrator requesting the deletion/redaction.

450.15 CRIMINAL JUSTICE SYSTEM COORDINATION

All discovery requests will be made through the San Bernardino County District Attorney’s Office, pursuant to policies as adopted and in effect within that office. The District Attorney is responsible for notifying the department of evidentiary discovery requests for both the prosecution and defense. The District Attorney’s Office will accept all body worn camera digital data as a result of a discovery request, and route the file to the appropriate attorney, defendant, or other third party.
450.16 AUDIT
BWC recordings may be audited during the employee's annual evaluation period by their direct supervisor. Each audit will consist of random samplings to ensure compliance with the purpose, scope, and adherence to this policy. Additional audits may occur if a policy violation is noted.

The BWC program, in its entirety, shall be audited annually to ensure fulfillment of the purpose and objectives of the program, compliance with operational procedures, retention policy, storage, data security, access, use, and release of BWC recordings, data and files specified in this policy and applicable laws and ordinances.

450.17 USE OF DATA FOR TRAINING PURPOSES
Officers and supervisors may find it useful and are encouraged to review recordings of incidents when beneficial for the purposes of conducting a tactical debrief or other training.

450.18 DISCOVERY OF MISCONDUCT
Employees reviewing event recordings should remain focused on the incident(s) in question and review only recordings relevant to their investigative scope. If improper conduct is discovered during any review of digital data, the person who discovered the conduct in question shall notify a supervisor immediately.
Medical Marijuana

451.1 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.

451.1.1 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).
451.2 POLICY
It is the policy of the Fontana 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 Fontana Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

451.3 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.

451.3.1 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.

451.3.2 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.
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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.

451.3.3 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).

451.3.4 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.
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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.

451.3.5 EXCEPTIONS
This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.
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(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

451.3.6 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).

451.4 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.

451.5 PROPERTY DIVISION SUPERVISOR RESPONSIBILITIES
The Property 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 Property 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 Property 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 Property 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 Unit supervisor.
Bicycle Patrol Unit

453.1 PURPOSE AND SCOPE
The Fontana Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

453.2 POLICY
Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander.

453.3 BICYCLE PATROL UNIT SUPERVISOR
The Bicycle Patrol Unit supervisor shall have responsibility for the following: Organizing bicycle patrol training. Inspecting and maintaining inventory of patrol bicycles and program equipment. Scheduling maintenance and repairs. Evaluating performance of bicycle officers. Coordinating activities with the Field Services Division. Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

453.4 TRAINING
All officers assigned to the Bicycle Patrol Unit will, as soon as possible, attend and successfully pass a course of instruction that meets criteria as is outlined by the Commission on Peace Officers Standards and Training. In addition, field training should be conducted with an experienced Bicycle Patrol Officer for a period of time to be determined by the Multiple Enforcement Team Supervisor.

Thereafter bicycle patrol officers should receive regular 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.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.
453.5 UNIFORMS AND EQUIPMENT

Bicycles officers shall wear the departmentally approved uniform and safety equipment while operating the police bicycle. Safety equipment includes departmentally approved helmet (Snell™ or ANSI™ approved), padded riding gloves, protective eyewear and approved footwear. Soft body armor/vest is strongly recommended.

The bicycle uniform will comply with the uniform policy outlined in the general orders.

Bicycle 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 necessary forms, citation books and other needed equipment to keep available while on bike patrol.

453.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle and an attached gear bag.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in color with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b). Police Bicycles shall be given a number for easy identification.

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 bike team shall carry between them a first aid kit, tire inflation device, repair tool, and tire tube. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, 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).

All moving parts of each bicycle shall be kept clean and properly lubricated at all times.

An equipment maintenance and repair log shall be kept up to date daily regarding all bicycle patrol equipment.

If a needed repair is beyond the ability of the bicycle officer, officers are authorized to purchase necessary equipment under the purchase order agreement with the appropriate bicycle repair/sales facility. All purchases must be pre-approved by a Multiple Enforcement Team Supervisor or Watch Commander.

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.

453.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the Vehicle Code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

To the greatest extent possible, officers shall operate their bicycles on the street. Officers may ride their bicycles on sidewalks to accomplish their patrol activities whenever necessary, taking care not to unnecessarily startle, frighten or violate the right-of-way of pedestrians or crossing traffic. Whenever in operation on a sidewalk, officers shall do so at a reduced speed unless a situation exists justifying a greater speed, such as a response to an emergency call.

Bicycle officers will generally ride as a two-officer team unless a situation exists to clearly justify an officer to ride alone.

Bicycle officers shall not hold onto, balance or allow themselves to be towed by a motor vehicle.

Officers not specifically assigned to the Bicycle Patrol Unit may be allowed to operate a Fontana Police bicycle only in the presence of an experienced bicycle officer and only with prior approval from a Multiple Enforcement Team Supervisor.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

(a) In response to an emergency call.

(b) While engaged in rescue operations.

(c) In the immediate pursuit of an actual or suspected violator of the law.
Automated License Plate Readers (ALPRs)

461.1 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.

461.2 ADMINISTRATION
The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Fontana 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 Administrative Services Division Commander. The Administrative Services Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

461.2.1 ALPR ADMINISTRATOR
The Administrative Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

(g) Ensuring this policy and related procedures are conspicuously posted on the department’s website.

461.3 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.
Automated License Plate Readers (ALPRs)

(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.

461.4 DATA COLLECTION AND RETENTION
The Administrative Services Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged after two years 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.

461.5 ACCOUNTABILITY
All data will be closely safeguarded and protected by both procedural and technological means. The Fontana Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(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.
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(c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Maintenance and Release Policy.

461.6 POLICY
The policy of the Fontana 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.

461.7 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 Administrative Services Division Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

461.8 TRAINING
The Personnel and Training Supervisor 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).
Public Recording of Law Enforcement Activity

464.1 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.

464.2 POLICY
The Fontana 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.

464.3 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.

464.4 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.

**464.5 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.

**464.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the
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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.
Medical Aid and Response

465.1 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.

465.2 POLICY
It is the policy of the Fontana Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

465.3 FIRST RESPONDING MEMBER RESPONSIBILITIES
Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Dispatch Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Dispatch Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.
(b) The nature of the incident.
(c) Any known scene hazards.
(d) Information on the person in need of EMS, such as:
   1. Signs and symptoms as observed by the member.
   2. Changes in apparent condition.
   3. Number of patients, sex, and age, if known.
   4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
   5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.
465.4 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.

465.5 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.

465.6 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.

465.7 AIR AMBULANCE
Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are
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.

465.8 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).

465.8.1 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 Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Dispatch Center as soon as possible and request response by EMS.

465.8.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

465.8.3 AED TRAINING AND MAINTENANCE
The Training Sergeant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

465.9 FIRST AID TRAINING
The Training Sergeant should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

465.10 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.
Suspicious Activity Reporting

466.1 PURPOSE AND SCOPE
This policy provides guidelines for reporting and investigating suspicious and criminal activity.

466.1.1 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.

466.2 POLICY
The Fontana 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.

466.3 RESPONSIBILITIES
The Field Services Division Commander or 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 Field Services Division Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.
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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

466.4 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 non sworn member who receives such information should ensure that it is passed on to 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.

466.5 HANDLING INFORMATION
The Records Unit will forward copies of SARs, in a timely manner, to the following:

- Investigations supervisor
- Crime Analysis Unit
- Other authorized designees
Crisis Intervention Incidents

467.1 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.

467.1.1 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.

467.2 POLICY
The Fontana Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members’ interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

467.3 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, idiations with means of carrying it out, 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.

467.4  COORDINATION WITH MENTAL HEALTH PROFESSIONALS
The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

467.5  FIRST RESPONDERS
Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol and/or drugs and some medical conditions 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 crisis intervention/treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available. This is in addition to any information provided by Dispatch through the call for service or computer databases.

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.
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(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.

467.6 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.

467.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.
Additional resources and a supervisor should be requested as warranted.

467.8 SUPERVISOR RESPONSIBILITIES
A supervisor should respond to the scene of any prolonged or extensive interaction or critical incident with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.
(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

467.9 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.

467.9.1 DIVERSION
Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

467.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS
Non-sworn 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.
Crisis Intervention Incidents

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.

467.11 EVALUATION
The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

467.12 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).
Civil Disputes

468.1 PURPOSE AND SCOPE
This policy provides members of the Fontana Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

468.2 POLICY
The Fontana 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.

468.3 GENERAL CONSIDERATIONS
When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.
Civil Disputes

468.4 COURT ORDERS
Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person’s knowledge of the court order or whether proof of service exists.
(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

468.4.1 KEEP THE PEACE/STANDBY REQUESTS
Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

468.5 VEHICLES AND PERSONAL PROPERTY
Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

468.6 REAL PROPERTY
Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.
First Amendment Assemblies

472.1 PURPOSE AND SCOPE
This policy provides guidance for responding to public assemblies or demonstrations.

472.2 POLICY
The Fontana Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

472.3 GENERAL CONSIDERATIONS
Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- 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.
472.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS
Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating 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.

472.4 UNPLANNED EVENTS
When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to 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.

472.5 PLANNED EVENT PREPARATION
For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

472.5.1 INFORMATION GATHERING AND ASSESSMENT
In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
First Amendment Assemblies

- 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).

472.5.2 OPERATIONAL PLANS
An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.
(b) Staffing and resource allocation.
(c) Management of criminal investigations.
(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
(e) Deployment of specialized resources.
(f) Event communications and interoperability in a multi jurisdictional event.
(g) Liaison with demonstration leaders and external agencies.
(h) Media relations.
(i) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
(j) Traffic management plans.
(k) First aid and emergency medical service provider availability.
(l) Prisoner transport and detention.
(m) Review of policies regarding public assemblies and use of force in crowd control.
(n) Parameters for declaring an unlawful assembly.
(o) Arrest protocol, including management of mass arrests.
(p) Protocol for recording information flow and decisions.
(q) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
(r) Protocol for handling complaints during the event.
(s) Parameters for the use of body-worn cameras and other portable recording devices.
472.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

472.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS
If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

472.7 USE OF FORCE
Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices should be considered only when the participants’ conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).
First Amendment Assemblies

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.

472.8 ARRESTS
The Fontana 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 processing of arrestees.
(e) Full accountability for arrestees and evidence.
(f) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

472.9 MEDIA RELATIONS
The Press Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

472.10 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.
472.11 POST EVENT
The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan
(b) Any incident logs
(c) Any assignment logs
(d) Incident, arrest, use of force, injury and property damage reports
(e) Photographs, audio/video recordings, dispatch records/tapes
(f) Media accounts (print and broadcast media)

472.11.1 AFTER-ACTION REPORTING
The Incident Commander should prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event
(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
(c) Problems identified
(d) Significant events
(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

472.12 TRAINING
Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.
Chapter 5 - Traffic Operations
Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE
The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT
Several factors are considered in the development of deployment schedules for officers of the Fontana 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 citizen requests, 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

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).
Traffic Function and Responsibility

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 CARE AND STORAGE OF HIGH-VISIBILITY VESTS
High-visibility vests will be issued to all employees that could be exposed to incidents that would require use of the vest per Policy Manual §500.5.1. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is in their possession.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.
Traffic Collision Reporting

502.1 PURPOSE AND SCOPE
The Fontana Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY
The Traffic Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy. The traffic sergeant may delegate responsibility for distribution of and updating the collision investigation manual.

502.3 TRAFFIC COLLISION REPORTING
All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System.

502.4 REPORTING SITUATIONS

502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES
Traffic collision investigation reports (CHP 555) 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.

Whenever a traffic collision occurs involving only minor property damage and City owned property a traffic investigation report (CHP 555) is not required. whenever there is damage to a City vehicle, an Administrative Memorandum and SCAR report shall be completed by a supervisor and forwarded to the appropriate Division Commander. Photographs of the collision scene and vehicle damage shall be taken at the scene to document all property damage, injuries and the collision scene.

The responding supervisor shall be responsible for completing all necessary documentation along with a Fontana Police Department Employee Involved Traffic Collision Routing Checklist (FPD 336). These forms will then be forwarded as indicated on the routing checklist.

502.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Fontana Police Department resulting in a serious injury, fatality, or any injury that might cause a liability concern for the City a supervisor shall notify the on-call MAIT investigators and a MAIT supervisor to respond to the scene. The supervisor shall then notify the on-duty watch commander or on-call staff lieutenant, if outside normal business hours, who will approve an AOD request to contact the Ontario Police Department Major Accident Investigation Team (M.A.I.T.) in handling the collision investigation.
Traffic Collision Reporting

The term serious injury is defined as any injury that may result in a fatality.

502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
When any City employee or City official, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Fontana Police Department resulting in a serious injury, fatality, or any injury that might cause a liability concern for the City a supervisor shall notify the on-call MAIT investigators and a MAIT supervisor to respond to the scene. The MAIT supervisor shall then notify the on-duty watch commander or on-call staff lieutenant, if outside normal business hours, to determine the need, if any, to request the assistance of the Ontario Police Department Major Accident Investigation Team (M.A.I.T.).

The term serious injury is defined as any injury that may result in a fatality.

502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, or Vehicle Code violation. A collision report may be taken at the discretion of any supervisor.

502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision
(b) When a report is requested by any involved driver

502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION
In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Sergeant or M.A.I.T. Supervisor to relate the circumstances of the traffic collision and seek assistance from the Major Accident Investigation Team as appropriate. In the absence of a Traffic Sergeant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.
Vehicle Towing and Release

510.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the Fontana Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 STORAGE AND IMPOUNDS
When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

510.2.1 VEHICLE STORAGE REPORT
Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to be given to the tow truck operator and the original shall be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES
When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Dispatch Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Fontana. The officer will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES
Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee’s vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:
Vehicle Towing and Release

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS
Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

510.2.5 DRIVING A NON-CITY VEHICLE
Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.6 DISPATCHER'S RESPONSIBILITIES
Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

510.3 VEHICLE INVENTORY
All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an
owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.4 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.

510.5 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.
Vehicle Towing and Release

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.
Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE
This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING
When a vehicle is stored or impounded by any member of the Fontana Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

512.2.1 HEARING PROCEDURES
The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations
where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department’s policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department’s expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.
Impaired Driving

514.1 PURPOSE AND SCOPE
This policy provides guidance to those Fontana Police Department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY
The Fontana Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California’s impaired driving laws.

514.3 INVESTIGATIONS
Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Traffic Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.
(b) The officers’ observations that indicate impairment on the part of the individual, and the officer’s health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
(d) Information about any audio and/or video recording of the individual’s driving or subsequent actions.
(e) The location and time frame of the individual’s vehicle operation and how this was determined.
(f) Any prior related convictions in California or another jurisdiction.

514.4 FIELD TESTS
The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS
A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
Impaired Driving

(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person’s blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 CHOICE OF TESTS

Officer shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

514.5.2 BREATH SAMPLES

The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

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)).
Impaired Driving

514.5.3 BLOOD TEST
Only persons authorized by law to withdraw blood shall collect blood samples (Vehicle Code § 23158). The withdrawal of the blood sample should be witnessed by the assigned officer. No officer, even if properly certified, should conduct the blood withdrawal.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

514.5.4 URINE SAMPLES
If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

514.5.5 STATUTORY NOTIFICATIONS
Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

514.5.6 PRELIMINARY ALCOHOL SCREENING
Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

514.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21
If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not
immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

514.6 REFUSALS
When an arrestee refuses to provide a viable chemical sample, officers should:
   (a) Advise the 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.

514.6.1 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:
   (a) A search warrant has been obtained (Penal Code § 1524).
   (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.6.2 FORCED BLOOD SAMPLE
If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:
   (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
   (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
   (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
      1. This dialogue should be recorded on audio and/or video if practicable.
   (d) Ensure that the blood sample is taken in a medically approved manner.
   (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
   (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
Impaired Driving

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officer are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL
Upon refusal to submit to a chemical test as required by law, officer shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.7 RECORDS BUREAU RESPONSIBILITIES
The Support Services Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

514.8 TRAINING
The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney’s office and update training topics as needed.
Traffic Citations

516.1 PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES
The Traffic Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Unit shall be responsible for the supply and accounting of all traffic citation books issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS
Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Sergeant may request the Field Services Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation in the interest of justice. The officer must have a valid and articulable reason in order to make such a request of the court.

516.4 VOIDING TRAFFIC CITATIONS
Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be kept in the appropriate citation book with the word "VOID" written clearly across the citation.

516.5 CORRECTION OF TRAFFIC CITATIONS
When a traffic citation is issued and in need of correction, the officer issuing the citation shall be responsible for completing a Notice of Correction and Proof of Service (FPD 121) in accordance with Vehicle Code 40505. The proper copy shall be forwarded to the appropriate court. Another copy shall be attached to the corresponding citation copy in the officer's citation book. The final copy shall be mailed to the defendant.
Traffic Citations

516.6 DISPOSITION OF TRAFFIC CITATIONS
The court and file copies of all traffic citations issued by members of this department shall be forwarded to a supervisor for review. The citation copies shall then be filed with the Records Unit. Upon separation from employment with the this department, all employees issued traffic citations books shall return any unused citations to the Records Unit.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE
Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

516.7.1 APPEAL STAGES
Appeals may be pursued sequentially at three different levels:

(a) Administrative reviews are conducted by the Processing Agency who will review written/documentary data. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

516.7.2 TIME REQUIREMENTS
Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

516.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

(c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.
Disabled Vehicles

520.1 PURPOSE AND SCOPE
Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 OFFICER RESPONSIBILITY
When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE
In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS
Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.3.2 RELOCATION OF DISABLED VEHICLES
The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

520.3.3 RELOCATION OF DISABLED MOTORIST
The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

520.4 PUBLIC ACCESS TO THIS POLICY
This written policy is available upon request.
72-Hour Parking Violations

524.1 PURPOSE AND SCOPE
This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Fontana City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

524.2 MARKING VEHICLES
Vehicles suspected of being in violation of the City of Fontana 72-Hour Parking Ordinance shall be marked and noted on the Fontana Police Department Marked Vehicle Card. No case number is required at this time.

The vehicle should be marked in a manner that allows for easy determination as to whether the vehicle has been moved or not. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Traffic Bureau for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

524.2.1 MARKED VEHICLE FILE
The Traffic Bureau shall be responsible for maintaining a file for all Marked Vehicle Cards.

Parking control officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

524.2.2 VEHICLE STORAGE
Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Bureau immediately following the storage of the vehicle. It shall be the responsibility of the Records Bureau 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 Bureau 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).
Motorcycle Assigned to Traffic Enforcement

527.1 PURPOSE AND SCOPE
The motorcycle officer’s primary responsibilities are traffic enforcement and other related duties such as handling accident reports and investigations, and participation in traffic education and awareness programs.

It is the objective of the traffic motor section to insure, through enforcement and education, the smooth, safe movement of traffic within the city of Fontana.

527.2 AUTHORIZED OPERATORS
Only those officers who have successfully completed a P.O.S.T. certified motorcycle training course and who possess a valid Class M license, shall be allowed to operate a department-owned police motorcycle. Officers who have been selected to attend motorcycle school, may participate in supervised department training prior to attendance of the P.O.S.T. certified motorcycle training course.

527.2.1 OPERATION OF THE POLICE MOTORCYCLE
(a) Officers shall operate the police motorcycle in accordance with state law and the departmental policies as outlined in this and other departmental general orders.

(b) The police motorcycle is designed for the operator only, and no passengers shall be allowed on the motorcycle.

(c) Officers shall not engage in traffic enforcement on police motorcycles when the weather makes such operation hazardous. During inclement weather, the motor officer will report for duty in the basic police officer uniform and will be assigned a police car.

527.2.2 PURSUITS AND CODE 3 OPERATION
The motorcycle officer may engage in the pursuit of a violator that he/she has attempted to stop, if the situation warrants such action. All emergency equipment shall be activated and the department policy regarding pursuits shall be followed.

The motorcycle officer shall discontinue the pursuit as soon as sufficient marked police unit(s) is/are in a position to safely take it over. The motorcycle officer shall then continue safely to the termination point for purposes of identification and documentation.

The motorcycle officer may respond Code Three to injury accidents when there are no other units in the area to respond and they will use all due caution, taking into account the traffic conditions and the limited visibility of a police motorcycle due to its small size.

527.3 EQUIPMENT
The following equipment shall be worn by the motorcycle officer when operating a police motorcycle:
Motorcycle Assigned to Traffic Enforcement

(a) The motorcycle officer shall wear his/her department supplied helmet at all times when operating a police motorcycle.

(b) The motorcycle officer shall wear full finger gloves when operating a police motorcycle.

(c) The motorcycle officer shall wear eye protection when operating a police motorcycle. The eye protection lenses may be either clear or tinted for daylight use. They shall be clear for nighttime riding. Eye protection can include full face helmet windshield.

(d) The motorcycle officer shall wear the black motorcycle or duty boots (SO 12-04).

527.3.1 EQUIPMENT CHANGES PROHIBITED
No additions, removal or alteration of any equipment shall be made unless it is approved by the chief of police or his designee. Any such modifications shall be completed by those person(s) or businesses authorized by the chief of police or his designee.

527.4 MAINTENANCE AND FUEL

(a) Each officer is responsible for the following items of maintenance on their motorcycle.

1. Tire inspection, done daily; inspect for undue wear and check for proper air inflation.

2. Maintain a safe fluid level in the engine oil reservoir, transmission gear case, and brake fluid reservoir. This inspection is to be done daily, prior to starting the motorcycle.

3. Inspection of the chain and sprockets or drive system is to be done once a week to insure they are adequately oiled and in good repair. Lubricate if necessary.

4. A daily check for appearance will be done. Cleaning of the police motorcycle is the responsibility of the operator.

(b) Traffic motor officers will be issued a Mobil Fastpass.

1. Each officer is issued a Mobil fastpass with individual driver identification number. No receipts are needed.
Chapter 6 - Investigation Operations
Investigation and Prosecution

600.1 PURPOSE AND SCOPE
The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY
It is the policy of the Fontana 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 or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.3.2 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.
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(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 Fontana Police 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:
   (a) Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
   (b) Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required through their supervisor.
   (c) If assistance is warranted, or if the incident is not routine, notify a supervisor or the watch commander.
(d) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.

(e) Collect any evidence.

(f) Take any appropriate law enforcement action.

(g) 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 NON-SWORN MEMBER RESPONSIBILITIES
A non-sworn 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.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.
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600.6 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 Fontana Police Department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using Fontana Police Department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than Fontana Police Department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.6.1 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.

600.6.2 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 justification for accessing the information. Any such access shall be documented in the related investigative report.

Accessing information that requires the use of a third party’s account or online identifier requires 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 MODIFICATION OF CHARGES FILED
Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.
600.8 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 take
reasonable steps to prepare for such seizure.

600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY
The Field Services Division Commander is responsible for ensuring the following for cellular
communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use
of the technology.

(b) A usage and privacy policy is developed that includes:

(a) The purposes for which using cellular communications interception technology
and collecting information is authorized.

(b) 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.

(c) Training requirements necessary for those authorized employees.

(d) A description of how the Fontana Police 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.

(e) Process and time period system audits.

(f) 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.

(g) 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.

(h) 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 Fontana Police
Department security procedures, The Fontana Police Department's usage and privacy procedures
and all applicable laws.
Sexual Assault Investigations

602.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

602.1.1 DEFINITIONS
Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY
It is the policy of the Fontana Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS
Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.
**602.4 REPORTING**
In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

**602.5 RELEASING INFORMATION TO THE PUBLIC**
In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

**602.6 TRAINING**
Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:
   1. Initial response to sexual assaults.
   2. Legal issues.
   3. Victim advocacy.
   4. Victim’s response to trauma.
   5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
   1. Interviewing sexual assault victims.
   2. SART.
   3. Medical and legal aspects of sexual assault investigations.
   4. Serial crimes investigations.
   5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
   6. Techniques for communicating with victims to minimize trauma.

**602.7 VICTIM INTERVIEWS**
The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.
Sexual Assault Investigations

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.7.1 VICTIM RIGHTS
Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

(a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim’s choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.7.2 VICTIM CONFIDENTIALITY
Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim’s parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim’s parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).
602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE
Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.8.1 COLLECTION AND TESTING REQUIREMENTS
Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.8.2 DNA TEST RESULTS
A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant
Sexual Assault Investigations

delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim’s authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim’s case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim’s authorized designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):

1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.

(c) Provided that the sexual assault victim or the victim’s authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim’s authorized designee shall, upon request, be advised of any known significant changes regarding the victim’s case (Penal Code § 680).

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.

602.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT
The Property 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).
602.9 DISPOSITION OF CASES
If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.10 CASE REVIEW
The Investigations Unit supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.
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 Fontana Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Fontana Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 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

603.3 POLICY
The Fontana 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.
603.4 SUPERVISOR RESPONSIBILITIES
The immediate supervisor of the officer / investigator handling an informant is responsible for assuring that the handling of informants by his subordinates is in compliance with Department policies and guidelines. Factors that shall routinely be considered by the immediate supervisor in carrying out this responsibility shall include the following:

(a) Take part in informant debriefings or review the debriefing information to ensure that the informant has potential worth to the Department.

(b) Review the informant package to ensure all pertinent information is included and all necessary paperwork has been completed.

(c) Ongoing monitoring and review of the handling of every informant utilized by employees under his command to ensure that the informants are used within policy / guidelines and to their fullest potential.

(d) Monitor and review monies paid to informants to ensure that they are not excessive and that the procedures followed comply with policy and guidelines.

(e) Periodic review of informant files to ensure that information warranting deactivation has been included if necessary. Deactivated files shall be forwarded to the Special Field Services Lieutenant for storage.

603.5 USE OF INFORMANTS

603.5.1 INITIAL APPROVAL
Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.5.2 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 or tobacco products the use of any juvenile 13 years of age or older as an informant is only permitted when authorized by court order (Penal Code § 701.5).

In all cases, 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
(d) The Chief of Police or the authorized designee

603.5.3 INFORMANT AGREEMENTS
All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.6 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, Narcotics Unit supervisor or their authorized designees.
   1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Fontana 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 Narcotics Unit supervisor.
   3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Narcotics Unit supervisor.
   1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.6.1 UNSUITABLE INFORMANTS
The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be
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unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a
determination has been made by a supervisor, the informant should not be used by any member.
The supervisor shall determine whether the informant should be used by the Department and,
if so, what conditions will be placed on his/her participation or any information the informant
provides. The supervisor shall document the decision and conditions in file notes and mark the
file “unsuitable” when appropriate.

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.

603.7  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 Narcotics Unit. The Narcotics Unit
supervisor or the authorized designee shall be responsible for maintaining informant files. Access
to the informant files shall be restricted to the Chief of Police, Division Commander, Narcotics Unit
supervisor or their authorized designees.

603.7.1  PAYMENT PROCEDURE
The amount of funds to be paid to any confidential 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 amount of assets seized
- The quantity of the drugs seized
Informants

- The informant’s previous criminal activity
- The level of risk taken by the informant
- Significance of the investigation to the community

In situations where the informant has agreed to supply information in exchange for a percentage of assets seized, the amount of payment shall not, in any case, exceed 15% of the net assets awarded to the City of Fontana by the appropriate State or Federal Court. The informant is not entitled to any portion of the interest accrued on money seized prior to the completion of the legal proceedings that result in the money being awarded to the City of Fontana. If the asset in question is real or personal property, the maximum payment to the informant shall not exceed 15% of the net value awarded to the City of Fontana after sale of said property minus all existing liens, commissions, and other expenses associated with the sale and seizure of the property.

The Narcotics Sergeant is authorized to negotiate with an informant regarding payment, keeping in mind the 10% of net maximum payment. The Narcotics Sergeant is authorized to negotiate payments with informants on a case-by-case basis. Occasionally, an informant may desire a long-term contract for services rendered. If this occurs and the Narcotics Sergeant believes this type of an arrangement is in the best interest of the Department, he shall bring this proposal to the Special Field Services Lieutenant for review. If the Special Field Services Lieutenant concurs with the Narcotics Sergeant he shall forward the proposal to the Special Field Services Division Commander for review and approval.

603.7.2 CASH DISBURSEMENT POLICY
All payments to informants for the Narcotic’s Unit shall be witnessed by at least two narcotics unit officers / sergeant and ultimately approved by the Narcotics Sergeant. All payments to informants for the MET Unit shall be witnessed by at least two MET unit officers / sergeant and ultimately approved by the MET Sergeant. All payments shall be documented on a "confidential funds expenditure" report.

The following Fontana Police Department personnel are authorized, at their discretion, to pay out the following maximum amount of money to an informant:

- Narcotics Corporal $500
- MET/RRT/FAT Corporal $500
- MET/RRT/FAT Sergeant $1,000
- Narcotics/Detective Sergeant $1,000
- Special Operations/Investigations Lieutenant $2,000
- Division Commander $2,500
- Chief or Deputy Chief of Police $5,000
Informants

The City Manager or his appointed representatives are required to authorize any amount over $3,000, except in cases involving informants who have signed agreements requiring that they get a percentage of assets seized and awarded to the City of Fontana.

603.7.3 REPORTING OF PAYMENTS
Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. The informant will be required to sign a Confidential Funds Expenditure Report outlining the responsibilities of reporting all payments to the IRS.

603.8 INFORMANT PAYMENT PROCEDURES
Generally, payments made to any person, and charged against official City funds, shall be documented on a "Confidential Funds Expenditure" report, which shall be approved and logged by the Narcotics Sergeant or corporal, RRT Corporal or MET Sergeant or Corporal, and reviewed by the Special Field Services Lieutenant. Ultimately, these documents will be stored and maintained at the direction of the Administrative Services Division Commander.

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

Approximately $2,000 will be maintained and kept in the Narcotics Sergeant's Office, and $500 will be maintained and kept in the MET Sergeant's Office. These monies are for the purposes of purchasing information, materials which can be used in the furtherance of narcotics or other investigations, payment to informants, and other expenses that may arise during the course of confidential investigations.

The buy funds will be audited as part of the quarterly cash audit conducted by the Administrative Services Division Commander and on an annual basis by the Management Services Department of the City of Fontana.

603.9 INFORMANT PAYMENTS
No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant
Informants

The Narcotics Unit supervisor will discuss the above factors with the Special Operations Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

603.9.1 PAYMENT PROCESS
Approved payments to an informant should be in cash using the following process:

(a) Payments of any amount may be paid in cash from a Narcotics Unit buy/expense fund.
   1. The Narcotics Unit supervisor shall sign the Confidential Funds Expenditure Report.

(b) To complete the payment process for any amount, the officer delivering the payment shall complete a Confidential Funds Expenditure Report.
   1. The Confidential Funds Expenditure Report shall include the following:
      (a) Date
      (b) Payment Amount
      (c) Fontana Police Department case number
   2. The Confidential Funds Expenditure Report will be signed by the Informant
   3. The Confidential Funds Expenditure Report will be kept in the Informant's file

603.9.2 AUDIT OF PAYMENTS
The Narcotics Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.
Asset Forfeiture

606.1 PURPOSE AND SCOPE
This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS
Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Fontana Police Department seizes property for forfeiture or when the Fontana 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.
(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY
The Fontana 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 Fontana Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE
Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE
The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.

2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

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.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel’s current minimum forfeiture thresholds should not be seized.

(b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

(c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect’s immediate family (Health and Safety Code § 11470).

(d) Vehicles, boats or airplanes owned by an “innocent owner,” such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS
When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items. Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.
Asset Forfeiture

606.5 MAINTAINING SEIZED PROPERTY
The Property Division Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.6 FORFEITURE REVIEWER
The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

(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) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(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.
Asset Forfeiture

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.

4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).

5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.

6. Any cash received is deposited with the fiscal agent.

7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.

8. Current minimum forfeiture thresholds are communicated appropriately to officers.

9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
(j) Ensuring that the process of selling or adding forfeited property to the department’s regular inventory is in accordance with all applicable laws and consistent with the department’s use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

606.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer’s employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

606.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and such ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).
Cellular Site Simulator Usage and Privacy

609.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance and set guidelines and requirements pertaining to the use of cellular site simulator (CSS) technology.

609.2 POLICY
It is the policy of the Fontana Police Department to respect the privacy rights and civil liberties of individuals and to follow the Constitution and all applicable laws including Government Code section 53166.

609.3 BASIS FOR POLICY
Cell-site simulator technology significantly enhances the Department's efforts to achieve its public safety and law enforcement objectives. The CSS can be deployed in numerous ways. Whether as part of a fugitive apprehension effort, hostage negotiations, complex narcotics investigation, or to locate or rescue a kidnapped child, the simulator can fulfill critical operational needs. This policy provides guidance and establishes common principals designed to ensure that the Department deploys the CSS in an effective, appropriate and consistent way. The Department's various units that will utilize the CSS may issue additional specific guidance consistent with this policy.

609.4 AUTHORIZED USE
Cell-site simulator technology may be used to gather information leading to the identity or whereabouts of fugitives, suspects, victims or missing persons. Authorized department operators can use the simulator to help locate cellular devices whose unique identifiers are already known to law enforcement, or to determine the unique identifiers of an unknown device by collecting limited signaling information from the devices in the simulator user's vicinity.

Cell-site simulators provide only the relative signal strength and general direction of a subject's cellular telephone. They do not function as a GPS locator, as they do not obtain or download any location information from the device or its applications. Cell-site simulators used by the Department shall not be used to collect the contents of any communication or any data contained on the phone itself, such as emails, texts, contact lists, images or any other data from the phone. In addition, the CSS does not provide subscriber account information (for example, an account holder's name etc.).

The following are possible instances where CSS technology may be used:

(a) Locate missing persons
(b) Locate at-risk individuals
Cellular Site Simulator Usage and Privacy

(c) Locate victims of mass casualty incidents/assistance in recovery efforts
(d) Assist in investigations involving danger to the life or physical safety of an individual
(e) Apprehend fugitives
(f) Complex narcotic investigations

609.5 LEGAL AUTHORITY
Whenever possible, a search warrant shall be obtained prior to the use of the CSS. In the event the CSS is deployed under exigent circumstances without a warrant, by law, a search warrant must be obtained within 72 hours of its use. The CSS operator will be responsible for ensuring that the proper legal paperwork is obtained and maintained. The case agent requesting the CSS should normally be responsible for writing the warrant or a court order. The information obtained from the use of the CSS shall only be utilized and accessed by the CSS operator and involved case agent.

Regardless of the legal authority relied upon, at the time of making an application for the use of a CSS, the application supporting affidavit should describe in general terms the technique to be employed. The description should indicate that investigators plan to send signals to the cellular phone that will cause it, and non-target phones on the same provider network in close proximity, to emit unique identifiers, which will be obtained by the technology, and the investigators will use the information collected to determine information pertaining to the physical location of the target cellular device or to determine the currently unknown identifiers of the target device. The investigator will use the equipment to determine unique identifiers at multiple locations and/or multiple times at the same location. The application should indicate that also.

609.6 AUTHORIZED USERS AND TRAINING REQUIREMENTS
Personnel authorized to use or access information collected through the use of cell-site simulator technology shall be specifically trained in such technology and authorized by the Chief of Police or designee. Such personnel shall be limited to designated sergeants and officers unless otherwise authorized.

Training requirements for the above employees include completion of training by the manufacturer of the cell-site simulator or appropriate subject matter experts. Training updates are required annually.

609.7 DEPLOYMENT AND AGENCY MONITORING
Use of the CSS must be approved by a Lieutenant or a Special Operations or Investigations Unit Sergeant. The CSS operator will ensure the use of the equipment will be in support of a public safety operation or criminal investigation. The CSS shall not be utilized unless the proper legal process has been followed, including either obtaining a search warrant or submitting an exigent request form with a telephone/communications company.
Cellular Site Simulator Usage and Privacy

In all cases where the CSS is deployed, the operator will complete a CSS deployment form. The form must be signed by the operator and the approving supervisor who approved the use, and forwarded to the Special Operations Lieutenant for review.

The Fontana Police Department is committed to ensuring that the collection and retention of data is lawful and appropriately respects the privacy interests of individuals. Fontana Police will not collect, retain or disseminate any data except as authorized by this policy and by law. Consistent with applicable existing laws and requirements, including any duty to preserve exculpatory evidence, the Department’s use of the CSS shall include the following privacy practices:

(a) When the equipment is used to locate a known cellular device, all data must be deleted as soon as that device is physically located and no less than once daily.

(b) When the equipment is used following a disaster, or in a search and rescue context, all data must be deleted as soon as the person(s) in need of assistance has been located, and no less than once every ten days.

(c) Prior to deploying the equipment for any mission, the CSS operator must verify that the equipment has been cleared of any previous operational data.

(d) When a suspect is known to have been in two geographical different areas, any data collected in an effort to identify the cellular device shall be deleted upon completion of the mission, unless that data collected is deemed to have evidentiary value.

Data collected by the device, which is retained for the investigation, shall only be shared with those involved within the investigation or when ordered produced as part of a legal compliance process.

The Special Operations Lieutenant or his/her designee shall conduct audits to ensure that the data is being deleted in compliance in the above manner. These audits shall take place no less than once every six months. The audits will be documented and kept in the CSS file in the Special Operations Lieutenant's office.

609.8 DEPLOYMENT LOG

A CSS usage log shall be completed by the operator tracking every use of the CSS by the Department. The log shall contain:

(a) Date(s)/time(s) of use

(b) Suspected crime(s), if applicable

(c) Location(s) used

(d) Associated case numbers, if applicable

(e) Phone number and /or device ID

(f) The unit, or outside agency case agent and case number

(g) Whether a phone was successfully located or identified
Brady Material Disclosure

612.1 PURPOSE AND SCOPE
This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "Brady information") to a prosecuting attorney.

612.1.1 DEFINITIONS
Definitions related to this policy include:

Brady information - Information known or possessed by the Fontana Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY
The Fontana 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 Fontana Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION
Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.
612.4 DISCLOSURE OF PERSONNEL INFORMATION
Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officers’s personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

612.5 INVESTIGATING BRADY ISSUES
If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING
Department members should receive periodic training on the requirements of this policy.
Unmanned Aerial System (UAS) Operations

613.1 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.

613.1.1 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.

613.2 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.

613.3 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.

613.4 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.

613.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

613.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on 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.
Unmanned Aerial System (UAS) Operations

- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

613.7 RETENTION OF UAS DATA
Data collected by the UAS shall be retained as provided in the established records retention schedule.
Chapter 7 - Equipment
Department Owned and Personal Property

700.1 PURPOSE AND SCOPE
Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.1.1 ISSUING DEPARTMENTAL PROPERTY
All necessary equipment shall be issued to new department employees by a department employee designated by the Chief of Police. Upon separation, employees shall return all equipment/materials issued to them during the course of their employment to the department employee functioning in that capacity.

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
Employees who wish to submit a claim for reimbursement for damage or loss of personal property shall submit a memorandum to their supervisor describing the damage to the item as well as the cause of the damage.
Department Owned and Personal Property

The supervisor shall direct the memo to the appropriate Division Commander, along with any additional pertinent information. (For example, any information regarding whether reasonable care was taken to prevent the loss or damage.)

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police or his designee who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER
Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

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 INTERIOR DECOrATION GUIDELINES FONTANA POLICE BUILDING
The following objects are suitable for display in personal office areas:

- FBI Academy and Command College certificates; college degrees; plaques; honors, etc.
Department Owned and Personal Property

- Major departmental commendations (NOTE: The number of items that may be displayed is not limited, but division commanders shall insure that offices in their respective area of operation do not appear cluttered).
- Family photographs (NOTE: Photographs must be framed or affixed to a bulletin board).
- Hanging office calendars or other professional material is limited to the bulletin board section of each individual cubical.

The following is not acceptable:

- No equipment or clothing will be stored overnight in plain view (i.e. Raid vests, ballistic vests, jackets, duty belts, etc. will not be left hanging on chair backs).
- Anything attached to outside portion of any cabinet.
- Anything placed on top of any cabinet.
- Anything affixed to glass portion of cubical.
- Cartoons or offensive slogans.

Plants may be placed in individual offices with the following limitations:

- No hanging plants.
- No plants large enough to distract from the business appearance.
- No plants that block entrances, windows, file cabinets or detract from workspace.

Office furniture or curtains not supplied by the department are not authorized.

Bulletin boards within these areas must have a professional appearance. All of the regulations previously stated apply. Division commanders shall be responsible to be certain that these bulletin boards are neat and professional in appearance.

Locker rooms are to be maintained in good order at all time. Nothing is permitted on the exterior of the lockers. Nothing may be placed on top of lockers.

Nothing shall be placed, affixed, or hung in hallways without the approval of the Chief of Police.
Personal Communication Devices

702.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY
The Fontana Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/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).

702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)
No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD 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).
Personal Communication Devices

702.4 DEPARTMENT-ISSUED PCD
Depending on a member’s assignment and the needs of the position, the department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause. Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD
Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
(b) The department accepts no responsibility for loss of or damage to a personally owned PCD.
(c) The PCD and any associated services shall be purchased, used and maintained solely at the member’s expense.
(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
   (a) Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
   (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 Fontana 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
Personal Communication Devices

owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the department with a copy of such records to ensure accurate record keeping.

702.6 USE OF PCD
The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Members will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 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. Officer operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.
Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

**702.8 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.
Vehicle Maintenance

704.1 PURPOSE AND SCOPE
Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES
When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.2.1 SEVERE USE
Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.2 DAMAGE OR POOR PERFORMANCE
Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.3 REMOVAL OF WEAPONS
All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES
Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Fire Extinguisher
- Riot Baton
- Hand Sanitizer
- Trauma Kit
- AMBU bag
Vehicle Maintenance

- Yellow crayon or chalk
- Crime Scene Barricade Tape
- First aid kit, CPR mask
- Blanket
- Spit Mask
- Protective gloves

704.4 VEHICLE REFueling
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

704.5 WASHING OF VEHICLES
All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE
Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.
Vehicle Use

706.1 PURPOSE & SCOPE
The Department utilizes city owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure City owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "City owned" as used in this section also refers to any vehicle leased or rented by the City.

706.2 AUTHORIZED USE OF VEHICLES
Employees shall not take department vehicles home after their tour of duty or other assignment (such as training) is finished except as authorized by the Chief of Police or his/her designee.

The Chief of Police may restrict an employee, listed in Section 706.3 of this General Order, from taking a vehicle home if it is determined that the needs of the department will not be served. Considerations for such a restriction may include, but is not limited to: excessive mileage, liability concerns, and/or the changing needs of the department. Such decisions will be made on a case-by-case basis.

In those cases where an employee has received authorization to drive a department vehicle home, the vehicle shall be used for official purposes only. All other General Orders pertaining to use and operation of department vehicles and equipment shall remain in full force and effect while said vehicle is in the control of the authorized employee.

706.2.1 SHIFT ASSIGNED VEHICLES
Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify the Dispatch Center for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

Employees 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 shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

706.2.2 UNSCHEDULED USE OF VEHICLES
Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Watch Commander of the reasons for use. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to Property and Evidence Unit personnel assigned transportation duties to and from the maintenance yard, etc.

706.2.3 UNDERCOVER VEHICLES
Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.
706.2.4 DETECTIVE BUREAU VEHICLES
Investigation Division vehicle use is restricted to detective personnel Monday through Friday from 7:00 AM to 5:00 PM unless approved by a detective supervisor. After hour use of Investigation vehicles by personnel not assigned to Investigations shall be recorded with the Watch Commander on the shift roster.

706.2.5 AUTHORIZED PASSENGERS
Personnel operating department owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

706.2.6 PARKING
City owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a City owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.2.7 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

706.3 EMPLOYEES AUTHORIZED TO TAKE DEPARTMENT VEHICLES HOME
The following personnel are authorized to drive department vehicles home at the end of their assigned shift or other assignments:

- Chief of Police and Deputy Chief, subject to the guidelines set by City Council, City Administration, or contract
- Captains-Subject to contractual guidelines
- Lieutenants-Subject to contractual guidelines
- Canine officers
- Emergency Services Coordinator
- Sworn members of the Investigation's Unit
- Narcotic Unit Personnel
- Motor Officers (includes Unit Supervisors)
- Others, as determined by the Chief of Police
Vehicle Use

706.3.1 VEHICLES SUBJECT TO INSPECTION
All City owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.4 GUIDELINES FOR VEHICLES DRIVEN HOME

(a) Vehicles shall be parked off the street, on the property at which the employee resides. They shall be legally parked, in a manner consistent with the zoning codes and other statutes applicable in the jurisdiction in which the vehicle is parked. It is not required that the vehicle be garaged, unless required by that local jurisdiction.

(b) Motors shall be parked in a secured enclosed garage or other similar structure.

(c) Motor Officers are not restricted from taking home their assigned motors, however, during inclement weather they will be restricted from traveling through the Cajon Pass (defined as any portion of Interstate 15, north of the Kenwood off-ramp). Inclement weather can be defined as high winds, rain, ice, snow or any combination thereof. If inclement weather develops after a motor is secured at an officer's residence then an alternative mode of transportation should be utilized to return to work.

(d) Employees involved in any police action while in transit with the vehicle shall report their involvement to dispatch as soon as possible, and to the Watch Commander as soon as practical. But in no case later than 24 hours after the incident.

(e) Employees whose route of transit takes them outside of the department's radio frequencies shall take all necessary steps to insure, as much as possible, that they are able to contact a law enforcement agency by radio from any point in their transit route.

(f) Employees shall immediately report any damage to their vehicle or any complaints by neighbors residing near their home. Employees shall report these facts directly to their division commander.

(g) When on leave for a week or longer, employees who are assigned a take home vehicle shall leave their vehicle at the station.

(h) Employees assigned a take home vehicle may participate in the City's Ride Share Program.

(i) Employees assigned a take home vehicle may make incidental stops on their way to and from work. These stops may include, but are not limited to, stopping at a store, dropping off or picking up a child at school or school attendance during a time period that immediately precedes or follows the employee's work schedule.

(j) If department needs require the use of unmarked vehicles for a police operation the cars assigned to unit members in Investigations may be utilized for the duration of the operation. This will, therefore, impact the member's ability to take their unit home.
Vehicle Use

Advanced notice will be provided if this should occur. This provision does not apply to Investigations Unit personnel who are on call.

706.4.1 KEYS
All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee’s chain of command.

706.5 ENFORCEMENT ACTIONS
When driving an assigned vehicle to and from work outside of the jurisdiction of the Fontana Police Department, an officer shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Officers driving marked vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

706.6 MAINTENANCE
(a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.
(b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
(c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.
(d) Routine maintenance and oil changes shall be done in accordance with the maintenance schedule. The vehicles will normally be serviced at the City maintenance shop.

1. Employees should contact the vehicle maintenance coordinator to schedule routine as well as unscheduled maintenance of the vehicle.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS
No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from their Division Commander.

706.7 COLLISION DAMAGE, ABUSE AND MISUSE
When a City-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction.
Vehicle Use

When a collision involves a department vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the California Highway Patrol should be summoned to handle the investigation.

Collisions involving a private passenger vehicle operated by an employee, when the vehicle use is at the request or direction of a supervisor and is in the performance of the employee's duties, shall be a liability of the Fontana Police Department, not the vehicle owner. Consideration should be given to an outside agency handling the collision investigation report (Insurance Code § 488.5).

The employee involved in the collision shall complete the City's vehicle collision form. If the employee is incapable, the supervisor shall complete the form.

Any damage to a 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 shift sergeant.

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.
Cash Handling, Security and Management

707.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

707.2 POLICY
It is the policy of the Fontana Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

707.3 PETTY CASH FUNDS
The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

707.4 PETTY CASH TRANSACTIONS
The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

707.5 PETTY CASH AUDITS
The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.


707.6 ROUTINE CASH HANDLING
Those who handle cash as part of their property or Narcotics Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

707.7 OTHER CASH HANDLING
Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.
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.
The Dispatch Center

802.1 PURPOSE AND SCOPE
This policy establishes guidelines for the basic functions of dispatch. It addresses the immediate information needs of the department in the course of its normal daily activities and during emergencies.

802.2 POLICY
It is the policy of the Fontana 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 dispatch and department members in the field.

802.3 DISPATCH SECURITY
The communications function is vital and central to all emergency service operations. The safety and security of dispatch, its members and its equipment must be a high priority. Special security procedures should be established in the event of an emergency.

Access to the dispatch center shall be limited to dispatch members, the watch commander, command staff and department members with a specific business-related purpose.

802.4 CALL PRIORITIES
The department did a recent review of call priorities. As a result, some of the priorities were condensed to allow for a priority 1-6 system. Below is the procedure for the handling of calls according to priority.

1) Priority 1 & 2 An immediate response is required. In the event a beat unit is not available, the call should be dispatched to the next closest available unit(s) regardless of beat assignment. In the event no units are available, dispatch should immediately attempt to break a unit from a non-priority call to respond. If no units are able to break, a verbal broadcast should be made. If no units are able to respond, the Watch Commander should be advised and a notation made in the call card.

2) Priority 3 - 6 Should be dispatched as soon as possible according to beat assignment. If, however, a beat unit is not available and the call appears that it will hold for 30 minutes or more, the call should be dispatched to the next available unit regardless of beat. If no units are available and the call has held for more than 60 minutes, dispatch will make a call back to the reporting party to notify them of the delay (depending on staffing levels) and a notation made in the call card.

Call priorities and their definition:

Priority 1 - In progress or just occurred calls involving a threat to human life.
Priority 2 - In progress or just occurred calls involving a threat to property.
Priority 3 - Report calls involving a threat to human life. They also include suspicious circumstances, persons, and vehicles, non-injury traffic accidents, and disturbance calls.

Priority 4 - Report calls involving a threat to property and misdemeanor report calls. They also include public nuisance calls and disturbance report calls.

Priority 5 - Officer initiated activity, public assists, calls for information and/or documentation purposes, municipal infractions and parking related calls.

Priority 6 - Animal related calls.

802.5 RESPONSIBILITIES

802.5.1 COMMUNICATIONS CENTER SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Administrative Division Commander or the authorized designee.

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

(a) Overseeing the efficient and effective operation of Dispatch Center in coordination with other supervisors.

(b) Scheduling and maintaining dispatcher time records.

(c) Supervising, training and evaluating dispatchers.

(d) Maintaining Dispatch Center database systems.

(e) Maintaining and updating Dispatch Center 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.

(f) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(g) 802.5.2 DISPATCHERS

Dispatchers report to the Communications Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

(a) Emergency 9-1-1 lines.

(b) Other electronic sources of information (e.g., text messages).

(c) Radio communications with department members in the field.
(d) Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

(e) Business telephone lines.

(b) Documenting the field activities of department members and support resources.

(c) Inquiry and entry of information through Dispatch Center, department and other law enforcement database systems (CLETs, DMV, NCIC).

(d) 

(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.

802.6 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 Dispatch Center, 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.
The Dispatch Center

Dispatchers should be courteous, patient and respectful when dealing with the public.

802.6.1 EMERGENCY CALLS
A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the 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.

802.6.2 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.

802.7 RADIO COMMUNICATIONS
The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, 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 Dispatch Center shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

802.7.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
Fontana Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

802.7.2 RADIO IDENTIFICATION
Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. 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.

802.8 DOCUMENTATION
It shall be the responsibility of Dispatch Center 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.
- 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.

802.9 CONFIDENTIALITY
Information that becomes available through Dispatch Center may be confidential or sensitive in nature. All members of Dispatch Center 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.

802.10 TRAINING AND CERTIFICATION
Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).
Property and Evidence

804.1 PURPOSE AND SCOPE
This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS
Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

• Property obtained by the Department for safekeeping such as a firearm
• Personal property of an arrestee not taken as evidence
• Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING
Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form (FPD 007) must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items or the property release must be documented in the officer's report.

804.3.1 PROPERTY BOOKING PROCEDURE
All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete the property ARS entry describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

(b) All packages must be sealed with evidence tape and initialed half on and half off the seal.
(c) Each item booked into the Fontana Police Department Property Unit will have a bar code label attached in a location which is clearly visible. Instructions for proper location of bar code labels on packaging are located in a notebook on the property packaging counter.

(d) If an officer encounters a problem with printing a bar code label, then all items must be marked with the officer's name, identification number, case number, evidence item number, and description. Write the information directly on the package. If the item is not packaged, write directly on the item if feasible, or use a self-stick label.

(e) It is the officer's responsibility to complete the appropriate San Bernardino County Sheriff's Department lab forms for any item to be sent to the Crime Lab. Instructions for filling out each form may be found in the Property Packaging Manual and/or San Bernardino County Sheriff's Department Guidebook.

   1. The San Bernardino Sheriff's Crime Lab requires only one Blue bar code label for each narcotic investigation (affixed by Property Control Clerk). Therefore, if numerous narcotics are obtained during an investigation, they shall be packaged separately, but all packages shall be placed in one envelope or box but not to exceed 40 pounds. It is this envelope or box that shall have a bar code label affixed.

   2. This section does not apply to narcotics booked for destruction. Any narcotic booked to be destroyed shall be packaged separately and each package shall have a bar code label and the SBCSD lab form.

804.3.2 EXPLOSIVES
Fireworks (which include illegal and Safe & Sane Fireworks) shall not be brought into the station. These items shall be stored in the bomb box located in the impound area located on the east lot. Employees must notify property staff that the item(s) is stored in the bomb box. If an employee feels that moving of fireworks, because of their condition, may be hazardous, the Fire Department shall be notified to respond to the scene as outlined in this policy.

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. Officers who encounter a suspected explosive device shall immediately notify the immediate supervisor and/or Watch Commander. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

804.3.3 WET, BLOOD CONTAMINATED EVIDENCE

Wet, blood contaminated evidence, or any evidence that is wet from any source, shall be dried before it is put in an evidence locker and should be treated with the utmost caution, utilizing universal precautions at all times.
Officers transporting the wet contaminated evidence is responsible for properly hanging the evidence for drying purposes in the blood drying room, locking the room, dropping off the required forms in the Field Evidence Unit’s office or assigned tray and dropping off the blood drying room key into the FET lockbox, located at the Field Evidence Unit, as described below:

Blood Drying Room Procedures:

a. Utilize the supplies provided in the blood drying room and property area to properly place evidence in the blood drying room. This includes, but is not limited to: Nitrile gloves, masks, eye protection, shoe coverings, hangers, paper bags, clothes pins, butcher paper, red biohazard plastic bags and/or receptacles and hand cleaning supplies.

b. Place butcher paper under the area where items will be hung.

c. Hang item(s) on hanger using the clothes pins provided. Place butcher paper between the clothes pin and the item(s).

d. When completed, place all contaminated bags, gloves and used safety gear into the biohazard receptacle provided in each room.

e. Do not touch door handles with contaminated gloves.

f. If you have collected items from both victim and suspect in a case, DO NOT place these items into the same room. If only one room is available at the time, please hang these items separate from one another with butcher paper separating the items from each other.

g. The processing officer will carefully document in their narrative the following: from whom the clothing/item was removed/collected, who if anyone assisted in collecting, where it was removed from, the time it was removed/collected, how it was packaged and any contamination it may have already received. In additional, the processing officer will document the blood drying room number where the items were stored.

h. The item(s) shall be entered into ARS on your report. When selecting “property intake”, please select all items in the room, and select the Blood Dry Room and the room number where the items were stored. Place the blood drying room key into the lock box located next to the FET office door.

i. Complete the “Request for ID Unit Services” (form FPD 204) with the case information and descriptions of what items are in the blood dry room. The white copy of this form gets attached to your report, and the yellow copy will get placed into the FET Tray in report writing or in the FET Tray at the unit door.

j. Drop the room key into the FET lock box at the FET Unit door when you have completed all of the above.

*If DNA or further testing needs to be completed for the items in this room please complete those forms. General Request forms will go to FPD Property and completed SBSO DNA Request forms are to be emailed to FPD_DNA@Fontana.org.
The drying process takes 24-48 hours. Once dry, the Field Evidence Technician will:

a. Remove the item(s) utilizing universal precautions and ensuring proper handling of items and book the items into the Property & Evidence room.

b. After removal of the items(s), the Field Evidence Technician will ensure the blood drying room is decontaminated, complete the decontamination log and place the room back in service by placing the key back on the door.

c. Restock supplies as needed.

Spare sets of blood drying room keys will be maintained in the FET office.

804.3.4 EXCEPTIONAL HANDLING

(a) All bicycles/bicycle frames require a property entry into Inform RMS. Property intake entry must be completed into the "outdoor cage area" and property staff notified of this entry. Property tags will be securely attached to each bicycle/bicycle frame, then placed in the east lot's fenced in evidence storage area.

(b) Money shall be submitted to property in a currency envelope (FPD 156). The front of the currency envelope must be filled out completely when the total amount of money broken down by denomination. The count must be verified and countersigned by a second person. Seal the envelope, initial and tape over the seal with FPD evidence tape. The Watch Commander or other supervisor shall be contacted to verify cash in excess of $1,000.00. For currency exceeding $60,000.00 a supervisor may authorize sworn staff to place the currency into a bank bag(s) utilizing dual custody procedures and sealed. The bag(s) seal shall be initialed by both staff members. If multiple bags are required, bags shall be labeled (ie 1 of 3, 2 of 3, 3 of 3, etc) The bag(s) will be placed in the evidence locker(s) and subsequently removed by property staff and placed in the vault until bank transportation is arranged. Sworn staff retain the detachable serialized portion from the security bag for comparison to the actual bag upon removal from the vault for bank transportation. Bank transportation will be conducted in dual custody.

(c) 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.

(d) All pharmaceutical controlled substance collected from the public via the prescription drug drop-off program shall be retrieved from the secure department provided drug collection drop box and contents shall be delivered to the San Bernardino County Sheriff Crime Lab for destruction. Access to the drug collection drop box requires the use of two separate individuals keys. A key will be maintained within the property unit and a key will be maintained with sworn staff. Property Unit staff will schedule the collection of the drug collection drop box on a frequency deemed necessary based on usage. A sworn staff member shall accompany the property staff member when the contents of the drug collection drop box are collected. The contents will be weighed, placed in an appropriately sized box/bag, sealed with evidence tape and initialed by
both sworn/property staff members. A miscellaneous incident report will be created by sworn staff to document collection of the drug collection drop box contents, a bar code label will be affixed to the bag/box and the SBSD lab form will be completed by the property staff requesting destruction.

804.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code 29810):

(a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained or
(b) The convicted person provides written notice of intent to appeal the conviction that necessitated the relinquishment; or
(c) The automated firearm system indicates that the firearm was reported lost or stolen;
   1. In such events, 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 section (33850 et seq.

The property clerk shall update the automated firearm system and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ).

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:
(a) Narcotics and dangerous drugs
(b) Firearms (ensure they are unloaded and booked separately from ammunition)
(c) Property with more than one known owner
(d) Paraphernalia as described in Health & Safety Code § 11364
(e) Fireworks
(f) Contraband
(g) Cash
(h) Serialized Property
(i) Photos/CD's
(j) Bullets

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size.
(a) Knives with sharp, exposed blades should be double packaged or have the blades wrapped (with paper or cardboard and tape) if possible.

(b) Needles, syringes and pipes will be photographed and discarded in an approved sharps container located in the property tagging area. Razor blades are to be packaged in the syringe tubes provided for that purpose.

(c) Guns and magazines shall be unloaded. Place ammunition removed from the gun and/or magazine in a cushioned manila envelope, then place in 6 1/2 by 9 1/2 or 9x12 envelope/label it as outlined above. Enter the ammunition as a separate item.

   1. Place the unloaded gun, secured with a non-removable cable tie in an evidence locker with cylinder open or the ammunition magazine removed. Do not package any gun unless it needs special handling (i.e. blood comparison, latent prints, etc.)

(d) Sex crime evidence.

   1. It is important that clothing be packaged properly at the scene or place where it is collected. Each item of clothing must be packaged in a separate paper bag or envelope at the time of collection to prevent contamination. Underwear must be packaged in a 6 1/2” x 9 1/2” manila envelope. Mark each package as outlined above.

   2. All sex kits or any item containing biological fluid samples shall be refrigerated. All sex kits need to be sent to the Crime Lab. Items being submitted to the crime lab must have a DNA analysis request form completed.

804.4.2 PACKAGING NARCOTICS AND DANGEROUS DRUGS

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, accompanied by a request for analysis form.

Narcotics and dangerous drugs shall be packaged in an envelope, large brown paper bag or box of appropriate size. All packages must be sealed with evidence tape and initialed half on and half off the seal. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property label shall be attached to the outside of the container.

a. Marijuana must be dry and must be packaged in a manila envelope or paper bag. NEVER put marijuana or any other vegetable matter in plastic (it will mold and decay). Complete the green “Request for Analysis” crime lab form. Please label the envelope as outlined above.

b. All other drugs must be packaged in K-Pac heat sealed pouches. Do not include containers other than K-Pac, baggies or vials. Place the sealed K-Pac pouch inside a manila envelope. Complete the green “Request for Analysis” crime lab form. Label the envelope as outlined above.

c. Large amounts of controlled substances (in excess of 10 pounds gross weight) shall, unless otherwise authorized by the Chief of Police, be handled in accordance with Health and Safety Code 11479 which details the process for random sampling, photographing, weighing, and destruction.
of large amounts of controlled substances. Property control is responsible for destruction of controlled substances.

d. The San Bernardino Sheriff’s Crime Lab requires only one Blue Bar code label for each narcotic investigation (affixed by Property Control Clerk). Therefore, if numerous narcotics are obtained during and investigation, they shall be packaged separately, but all packages shall be placed in one envelope or box but not to exceed 40 pounds. It is this envelope or box that shall have a barcode label affixed. This section does not apply to narcotics booked for destruction. Any narcotic booked to be destroyed, shall be packaged separately and each package shall have a barcode label and the SBCSD lab form.

804.5 RECORDING OF PROPERTY
The Property Clerk receiving custody of evidence or property shall record his/her information, the date and time the property was received and where the property will be stored in the computer system (ARS/RMS).

When an item is to be sent to the SBSO Crime Lab, the property clerk will produce and attach the appropriate blue bar code required by the Lab and enter into the SBSO Property and Evidence Tracking System.

Any changes in the location of property held by the Fontana Police Department shall be noted in the property system.

804.6 PROPERTY CONTROL
Each time the Property Clerk receives property or releases property to another person, he/she shall enter this information in the property control system. Officers desiring property for court shall contact the property clerk at least one day prior to the court date.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL
Every time property is released or received, an appropriate entry shall be completed to maintain the chain of possession.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The transporting employee will check the evidence out of property, indicating the appropriate information in the property control system.

The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved. The original copy of the lab form will remain with the evidence.

804.6.3 STATUS OF PROPERTY
Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the evidence check out form and the property control system. The Property Clerk shall obtain the signature of the person to whom property is released, and the reason for release. Any employee
receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the property control system, indicating date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY
The Property Unit shall oversee the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 RELEASE OF PROPERTY
All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 60 days and found property shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A property clerk shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. A signature of the person receiving the property shall be recorded on the release form, scanned to the case and an Inform RMS entry made.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property Clerk should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The department is not required to retain any firearm, 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).
804.6.6 DISPUTED CLAIMS TO PROPERTY
Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

804.6.7 CONTROL OF NARCOTICS & DANGEROUS DRUGS
The Narcotics Unit along with the Property Unit will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

Narcotics and drugs taken as evidence shall be stored in the vault, or if necessary, taken to San Bernardino County Sheriff's Crime Lab for analysis. When no longer needed as evidence, narcotics and drugs shall be taken to the San Bernardino County Sheriff's Crime Lab for disposal. Narcotics and drugs, which are turned in to Property Control for destruction only, shall be taken to the San Bernardino County Sheriff's Crime Lab for disposal. Large quantities of narcotics, which are not accepted by the San Bernardino County Sheriff's Crime Lab, shall be disposed of in accordance to the agreement between City of Fontana and Southeast Resource Recovery Facility (SERRF) in Long Beach, or another such agency.

804.6.8 RELEASE OF FIREARM, MAGAZINE AND/OR AMMUNITION IN DOMESTIC VIOLENCE MATTERS
If a firearm, magazine and/or ammunition is not retained for use as evidence or related to criminal charges brought as a result of a domestic violence incident, or is not retained because it was illegally possessed, seized items shall be made available 48 hours after seizure, or as soon thereafter as possible, but no later than five business days. Property staff shall return the weapon, magazine and/or ammunition after the owner or person who was lawfully in possession demonstrates compliance with Penal Code section §33850 and Penal Code section § 33855.

Except as provided in Penal Code Section 18400 and Family Code § 6389(a).

804.6.9 OTHER RELEASE OF PROPERTY OR EVIDENCE
(a) Items checked out for court
1. Items may be checked out of Property Control by department personnel to take to court, DMV hearings, parole hearings, etc. At the time the employee takes possession of the property they will sign an Evidence Check-Out Form (FPD 243).
2. The employee will maintain the white copy of the Evidence Check-Out Form until the evidence is returned to property control or released to another party.
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The property clerk will maintain the yellow copy in a tickler file until the white copy is returned. If the evidence and/or the form is not returned within a reasonable period of time, the property clerk will refer the matter to the employee's supervisor.

3. If employees release evidence, they shall so indicate on the Evidence Check-Out Form and obtain the signature of the person to whom they release the evidence and return form to property control. If the evidence is returned to Property Control, the employee will so indicate on the form and return it with the evidence to Property Control.

(b) Evidence in shoplifting cases

1. Evidence (merchandise) in shoplifting cases where the suspect is cite released may be retained by the retail establishment if it is photographed and the merchant agrees to hold the evidence for presentation in court. The photograph will be retained by Property Control until there is a disposition on the case, and then destroyed.

(c) Items for destruction only

1. Items of property or evidence, which are turned in to Property Control for destruction only must have a case number. Property Control clerks shall dispose of such items in a manner consistent with the laws of the state and this policy.

(d) Release of property for official department use

1. Items of property or evidence, which have no evidentiary value, are not subject to release to the owner, and/or have not been claimed by the owner within the legal time limit, may be used for official purposes in displays, presentations, or training upon written request for each item and written approval of the Chief of Police.

2. Any item so used for public display shall have all information obscured which would identify a victim or a suspect.

(e) Items of property or evidence for use in 'sting' operations

1. Items of property or evidence which have no evidentiary value are not subject to release to the owner, and/or have not been claimed by the owner within the legal time limit, may be used in sting operations, buy-bust operations, etc., upon approval of the Chief of Police. Written request shall be made, and written approval shall be obtained from the Chief of Police before any item of property or evidence is released for such purpose.

(f) Release of items for public use

1. Items of property or evidence (other than dangerous and deadly weapons, narcotics and drugs, and explosives) which have no evidentiary value, are
not subject to release to the owner, and/or have not been claimed by the owner within the legal time limit, may be released for official public use upon written request and written approval of the Chief of Police. The term "public use" includes use by any public agency deemed appropriate by the Chief of Police. Computers will have the hard drive removed by the Computer Crimes Investigator, or other employee as assigned by the Investigations Lieutenant.

(g) Unclaimed bicycles and toys

1. Bicycles and toys, which have no evidentiary value, are not subject to release to the owner, and/or have not been claimed by the owner within the legal time limit, may be used in a bicycle/toy give-away program in accordance with FCC 22-35, WIC 217.

(h) Release of firearms for departmental use

1. Firearms, which have no evidentiary value, are not subject to release to the owner, and/or have not been claimed by the owner within the legal time limit, may be released for the official use of this department upon written request and written approval of the Chief of Police.

804.6.10 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.

804.6.11 DISPOSITION OF EVIDENCE ON INFRACTION CITATIONS
When an officer takes evidence from a person who is cited for an infraction, the officer shall attempt to obtain the name of the owner of the property. If the owner is different from the person who was
cited, the owner’s name and address shall be written included in the report. A copy of the citation needs to be attached to the property or placed in an evidence locker.

Any and all perishable items shall be photographed and disposed of immediately by the officer. In no case shall officers put perishable items in property lockers or leave them in food carts or containers. Photograph(s) shall be placed in evidence or downloaded into Visual Labs.

After the court date for the citation has passed, the property control clerk will mail a notification to the owner, or to the violator if the owner’s name is unknown, advising them the property is ready for release. The notification shall state that in order to claim the property, they must produce proof a disposition was made on the citation, or show that a new court date has been set. The notification will also include a notice that the property will be disposed of if not claimed within three months.

If the court provides a disposition, the property will be released pursuant to department policy. If a new court date has been set, the property will be held until the new court date, and then another notification will be sent.

If the violator does not respond to the notification, property control clerks will hold the property for three months after the date of advisal, photograph and dispose of it.

804.6.12 AUCTIONING OF PROPERTY AND EVIDENCE
Items of property or evidence (other than dangerous and deadly weapons, narcotics and drugs, and explosives) which have no evidentiary value, are not subject to release to the owner, and/ or have not been claimed by the owner within the legal time limit, may be sold at auction in accordance with the laws pertaining to disposition of property and evidence. The auction of property and evidence is conducted by a private auction company that contracts within the city.

A list of items to be auctioned will be circulated to designated persons in all city departments, prior to items being released to the auction company so that any items that could be retained for city use may be retained. Written request shall be made within the time period designated, and written approval shall be obtained from the Chief of Police before any item on the auction list will be released for city use. If auctioned, computers will have the hard drive removed by the Computer Crimes Investigator, or other employee as assigned by the Investigations Lieutenant.

804.6.13 HIGH-CAPACITY MAGAZINES
High-capacity magazines, purchased after January 1, 2000, shall not be released.

All high-capacity magazine releases should be reviewed and overseen by the designated department firearms expert.

If an individual asserts lawful ownership of a high-capacity magazine and requests a property release, the request shall only be facilitated if the following two requirements are met:

- Verbal description and visual identification of the magazine
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- Ability to produce proof of ownership of the magazine dated no later than December 31, 1999

If an individual does not volunteer pre-2000 ownership of the magazine, the magazine will be retained and destroyed in accordance with Penal Code section 18010(b).

804.6.14 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 Fontana Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

804.6.15 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION
The department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

804.7 DISPOSITION OF PROPERTY
All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property clerk shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.7.1 EXCEPTIONAL DISPOSITIONS
The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
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- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

804.7.2 UNCLAIMED MONEY
If found or seized money is no longer required as evidence and remains unclaimed after three years, the department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE
The Property 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 Investigation Division Supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless
a motion seeking an order to retain the sample is filed and served on the department within 180
days of the date of the notification. A record of all certified mail receipts shall be retained in the
appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence
should be retained in the appropriate file and a copy forwarded to the Investigation's 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 Investigation's
Division Supervisor should be consulted and the sexual assault victim shall be notified at least
60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence
shall be documented in writing (Penal Code § 680.3).

804.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection
of the evidence storage facilities and practices to ensure adherence to appropriate
policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as
directed by the Chief of Police.

(c) An annual audit of evidence held by the department shall be conducted by a Division
Commander (as appointed by the Chief of Police) not routinely or directly connected
with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room,
an inventory of all evidence/property shall be made by an individual not associated
to the property room or function to ensure that records are correct and all evidence
property is accounted for.

804.9 PROPERTY & EVIDENCE FACILITY SECURITY

The Property Sergeant, Property Supervisor and assigned Property Clerks will be issued keys
and alarm codes for access to the Property and Evidence Room. Any changes in Property and
Evidence staff personnel will require a change of locks and alarm codes. Property staff shall not
lend or give their assigned keys or alarm code to any person. All other personnel entering the
Property and Evidence room shall be accompanied by property and will be required to complete
the property log prior to entry.

804.9.1 PROPERTY & EVIDENCE ROOM ACCESS DURING NON-BUSINESS HOURS

On rare occasions, access to the Property and Evidence room may be required during non-
business hours. This access shall be handled in the following manner:
(a) If the situation allows for a response time, a property staff member shall be located and/or called out to respond for entry.

(b) A spare set of keys to the Property and Evidence room will be maintained in an envelope secured in the locked safe located in the Chief's office. The Chief and Administrative Captain are the only employees with the combination. The sealed envelope containing the keys may be utilized for situations in which access is required and property staff is unavailable. The following procedure shall be adhered to if this option becomes necessary and whenever the seal on the envelope containing the keys is broken:

1. If entry is made using the aforementioned keys, a memo addressed to the Property Sergeant is required and will contain the date/time entry was made, name of all staff members who entered the Property and Evidence room and the justification for entry.

2. Entry and retention of the keys shall be conducted following a two-person rule. Dual custody shall be maintained at all times while in possession of the key and while in the Property and Evidence room.

3. After entry has been made, and the Property and Evidence room secured, the keys shall be immediately sealed in an envelope. The envelope shall be signed and dated by the two (2) PD staff members in possession of the keys and placed back in the safe located in the Chief's office. Dual custody of the Property and Evidence room keys shall be maintained until this can be accomplished.

4. On a monthly basis, the Support Services Supervisor shall conduct an inspection of the keys retained in the aforementioned safe.

(c) If entry into the Property and Evidence room is required under exigent circumstances, please respond accordingly:

1. After entry, a memo addressed to the Property Sergeant is required and will contain the date/time entry was made, names of all staff members who entered the Property and Evidence room and justification for entry.

2. Entry shall be made following a two-person rule. Dual custody shall be maintained at all times while in the property and evidence room.

3. Dual custody of the Property and Evidence room shall be maintained until the room has been secured or released to a property staff member.
Records Bureau

806.1 PURPOSE AND SCOPE
This policy establishes the guidelines for the operational functions of the Fontana Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

806.2 POLICY
It is the policy of the Fontana Police Department to maintain department records securely, professionally, and efficiently.

806.3 DETERMINATION OF FACTUAL INNOCENCE
In any case where a person has been arrested by officers of the Fontana 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 Records Supervisor. The Records supervisor will forward the petition and copies of the relevant reports to the Chief of Police or designee for review. The Chief of Police or designee shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Records Supervisor should respond to a petition with the Department’s decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

806.4 FILE ACCESS AND SECURITY
The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Watch Commander.

The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

806.5 ORIGINAL CASE REPORTS
Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting department member shall first
obtain authorization from the Support Services Supervisor. All original case reports removed from
the Records Bureau shall be recorded on a designated report check-out log, which shall be the only
authorized manner by which an original case report may be removed from the Records Bureau.

All original case reports to be removed from the Records Bureau shall be photocopied and the
photocopy retained in the file location of the original case report until the original is returned to
the Records Bureau. The photocopied report shall be shredded upon return of the original report
to the file.

**806.6 CONFIDENTIALITY**
Records Bureau staff has access to information that may be confidential or sensitive in nature.
Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view,
or distribute any record, file, or report, whether in hard copy or electronic file format, or any
other confidential, protected, or sensitive information except in accordance with the Records
Maintenance and Release and Protected Information policies and the Records Bureau procedure
manual.

**806.7 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**
The Patrol Division Commander should ensure a process is in place for when an individual is
arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code
§ 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Department and
the record reflects only a detention.

(c) The California DOJ is notified.
Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE
The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

808.2 PROCEDURE
Any firearm coming into the possession of the Fontana Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 PRELIMINARY FIREARM EXAMINATION
(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
(d) If the firearm is to be processed for fingerprints or trace evidence, the process should occur before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE
Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.
Restoration of Firearm Serial Numbers

808.2.3 OFFICER RESPONSIBILITY
The Officer booking the firearm shall complete a request (FPD 204) for a Field Evidence Technician to restore the serial number, or to have the firearm transported to the crime lab for serial number restoration (Crime Lab General Request Form 16-18128-401).

808.2.4 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

808.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Clerk will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

808.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the San Bernardino County Criminalistics Laboratory to be included in the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.
Records Maintenance and Release

810.1 PURPOSE AND SCOPE
This policy provides guidance on the maintenance and release of Fontana Police Department records. Protected information is separately covered in the Protected Information Policy.

810.2 POLICY
The Fontana Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES
The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:
   1. Identifying the minimum length of time the department must keep records.
   2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 6253).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the department’s website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the department website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the department’s website.

810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS
Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

810.4.1 REQUESTS FOR RECORDS
Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

(a) When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

(b) If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).
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(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.

(a) 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 redaction. 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 (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

810.5 RELEASE RESTRICTIONS
Examples of release restrictions include:

(a) Personal identifying information, including an individual’s photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record including traffic collision reports, are restricted except as authorized by the department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 6254.29).

(c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

   1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
   2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

   1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be
provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
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(n) Records relating to the security of the department’s electronic technology systems (Government Code § 6254.19).

(o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

810.6 SUBPOENAS AND DISCOVERY REQUESTS
Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the department so that a timely response can be prepared.

810.7 RELEASED RECORDS TO BE MARKED
Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

810.8 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 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 Custodian of Records shall ensure that the required notations on local summary criminal history information and police
investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

810.8.1 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 Custodian of Records should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

810.9 SECURITY BREACHES
The Support Services Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual’s first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual’s financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

810.9.1 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:
   (a) The date of the notice.
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(b) Name and contact information for the Fontana Police Department.
(c) A list of the types of personal information that were or are reasonably believed to have been acquired.
(d) The estimated date or date range within which the security breach occurred.
(e) Whether the notification was delayed as a result of a law enforcement investigation.
(f) A general description of the security breach.
(g) 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 Fontana 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):
   (a) 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.
   (b) When the breach involves an email address that was furnished by the Fontana Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

810.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
   (a) Written notice.
   (b) Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
   (c) 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.
810.10 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 § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or the Administrative Lieutenant in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

810.10.1 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

810.10.2 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of
privacy of a person depicted in the recording, the department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

810.10.3 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE
If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

(a) The person in the recording whose privacy is to be protected, or his/her authorized representative.
(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

810.10.4 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.
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(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).
Protected Information

812.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Fontana Police Department. This policy addresses the protected information that is used in the day-to-day operation of the department and not the public records information covered in the Records Maintenance and Release Policy.

812.1.1 DEFINITIONS
Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Fontana Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

812.2 POLICY
Members of the Fontana Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

812.3 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).

812.4 RESPONSIBILITIES
The Chief of Police shall select a member of the department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.
(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

812.5 ACCESS TO PROTECTED INFORMATION
Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Fontana Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

812.5.1 PENALTIES FOR MISUSE OF RECORDS
It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

812.6 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 Support Services 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 Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

812.6.1 REVIEW OF CRIMINAL OFFENDER RECORD
Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).
812.6.2 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 MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual’s combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

812.7 SECURITY OF PROTECTED INFORMATION
The Chief of Police will select a member of the department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.
(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

812.7.1 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).

812.8 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.
Computers and Digital Evidence

814.1 PURPOSE AND SCOPE
This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE
Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
   1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
   2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so potential evidence is not lost.

(g) Log 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 only be seized when the officer/specialist determines they are necessary for the examination process and/or as a precursor to forfeiture.

814.2.1 BUSINESS OR NETWORKED COMPUTERS
If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS
If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA
Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.
(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property 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.
Computers and Digital Evidence

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PCDS
Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert unless they have received proper training and/or have knowledge of the device to be examined. Officers should understand unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages. Due to this, examination of these devices should only occur if and when the immediate examination of the device is necessary to further the investigation.

(b) All devices should be turned off prior to placing them into evidence. When possible, depending upon the make/model of the device, the battery should be removed to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, always attempt to locate and seize the charging unit. Keep the charging unit with the PCD device.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS
Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE
Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA
The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Unit as soon as possible for submission into evidence. Officers shall download the media onto a CD, or into Laserfiche following the proper procedures.
814.5.3 DOWNLOADING OF DIGITAL FILES
Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence authorized personnel 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

820.1 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.

820.2 ANIMAL SERVICE OFFICER RESPONSIBILITY
The Animal Service Officer (ASO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The ASO shall be under the operational control of the Special Field Services Division. The Animal Service Officers’ assigned working hours will be scheduled by the Special Operations Field Services Division Captain or designee.

During hours when the ASO is on duty, requests for animal related services shall be assigned by the Dispatch Center or Watch Commander.

Requests for assistance by the ASO shall be acknowledged and responded to promptly.

820.2.1 USE OF BATON

A baton described in this policy may be carried and used by members of the Animal Services Unit only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee. Animal Service Officers shall complete Department approved training prior to carrying a baton in the field. When not in use, the baton shall be carried in its authorized holder on the equipment belt.

The baton may be deployed against 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. The need to immediately control an animal must be weighed against the risk of causing serious injury. The head and legs should not be intentionally targeted except when the Animal Service Officer reasonably believes the animal poses an imminent threat to human safety.

Any use of the baton shall be reported to the Animal Service Supervisor. In absence of the Animal Service Supervisor, the incident shall be reported to an on-duty police supervisor.

If a baton is used to strike an animal, the Animal Service Officer shall conduct a cursory examination and determine if the animal is injured. If injured, the Animal Service Officer will ensure the animal is treated by the Riverside County Animal Shelter Veterinarian or the contract Veterinarian.
Animal Control

The use of the baton will be documented in the CAD call card by the Animal Service Officer who used the baton.

820.3 OFFICER RESPONSIBILITY

During hours when the Animal Services Officer is off-duty, or if the ASO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ASO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ASO. The following are examples of when an officer may consider acting before the arrival of the ASO:

(a) When there is a threat to the public safety.
(b) When animal has bitten someone, officers should take measures to confine the animal and prevent further injury.
(c) When an animal is creating a traffic hazard.
(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
(e) When the animal is gravely injured.

820.3.1 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. In an effort to protect the health and safety of dogs, the following procedures will be followed when a dog is taken into custody after hours.

1. Friendly dogs will be taken to the Red Arrow Kennel located at 14737 Arrow Boulevard. **Dogs will no longer be placed in ASO trucks overnight.**

2. Bite Dogs, vicious, injured and/or sick dogs shall NOT be placed at the red Arrow Kennel. In those instances, the on-call ASO should be called in.

3. The entrance to the kennel can be located off of Redwood Street.

4. Locate the lock box attached to the entry gate. The access code for the box is 3066.

5. Enter the Kennel and proceed to row C.

6. Place the dog in kennel runs numbered 1-13.

7. Personnel may use the food stored in kennel 7 to feed the dog if they choose.

8. Update the call card to reflect the kennel number where the dog was placed. Have dispatch print the call card for the ASO’s for morning pick up.
9. Return the lock box key before leaving the kennel.

A printed copy of the incident call card will be placed in the ASO inbox. Release of impounded dogs requires a fee be paid.

The ASO will transport any animals in the holding pens to the Animal Shelter as soon as he/she comes on duty. Once a dog has been taken into custody, all releases should be handled by the Animal Shelter. In cases where the ASO is not available, the watch commander shall designate an alternate to transport so that any animals are not held in the holding pens unnecessarily for extended periods.

820.3.2 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

In the absence of an ASO, officers shall obtain and forward to the ASO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Officers will also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, an ASO may be called to handle. If the ASO is unavailable, the patrol supervisor may call out the supervising ASO or request the assistance of an animal service officer from an allied agency.

All requests to call in the ASO must be approved by a field supervisor or the Watch Commander.

820.4 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 animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

820.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below (Penal Code 597.1).

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.
Animal Control

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

(c) The only exception to the above is 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.

1. When the need to kill a seriously injured or dangerous animal is necessary, the department Firearms Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty watch commander.

(d) If an employee locates injured wildlife such as an injured skunk or bat, an ASO may be called.

(e) When handling dead or injured animals department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(f) 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 the ASO is off duty, the information will be forwarded for follow-up.

820.5.1 INJURED WILDLIFE
Animal Service Officers will respond to calls of injured wildlife animals. Animal Service Officers will pick the animal up and transport it to a local shelter.

820.5.2 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.

820.6 POST-ARREST PROCEDURES
The arresting officer should make a reasonable effort to ensure that animals or pets under a person’s care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner’s consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority
should be notified. If adequate care can not be provided, the animal may be taken to the Red Arrow Kennel.

820.7 POLICY
It is the policy of the Fontana 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.

820.8 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.

820.9 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. Officers shall call the on call ASO for any serious bite or in cases where the offending animal was involved in previous biting incidents.

820.10 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.

820.11 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.

820.12 DESTRUCTION OF ANIMALS
When it is necessary to use a firearm to euthanize badly injured livestock 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 at the contract emergency clinic with the approval of the Watch Commander.
Handling Wildlife Calls

821.1 PURPOSE AND SCOPE
This policy will establish guidelines for dealing with wildlife calls, primarily bears, mountain lions and coyotes. The primary concerns when dealing with wildlife will be the safety of citizens and personnel, followed by the safety of the animal. Although these calls are infrequent, they do occur and it is important that our personnel are informed and prepared to take appropriate measures and/or refer citizens to the appropriate agencies for assistance. Due to the unique and infrequent nature of these calls, the Fontana Animal Services Team is not equipped to deal with these animals long term, nor is the San Bernardino Animal Shelter able to house them.

821.2 ANIMAL SIGHTING
If we receive a call of an animal sighting in the mountains or hills outside of a residential area we do not need to respond, but the RP should be directed to the appropriate allied agency. The California Department of Fish and Wildlife (951-443-2968) should be notified in the event we receive reports for bears or mountain lions, also frequently referred to as bobcats. Callers should be advised that they may or may not respond, depending on their assessment of the situation; these animals are indigenous to the area and will occasionally be seen by residents bordering the hills. If they take action, their preferred approach will be to tranquilize the animal and relocate it to an area further away from human population. For coyotes, refer callers to the San Bernardino County Department of Public Health (800-472-5609). Because they carry a variety of diseases and hunt in packs, depending on the circumstances, they may respond and trap or euthanize the coyotes.

If we receive a call of a wildlife animal sighting, such as a mountain lion or bear, within a residential area, any on-duty ASO’s should be dispatched along with a minimum of 2 units. If there are no ASO’s on duty, the on-call ASO should be called in to assist. The appropriate agency, as identified above, should also be contacted immediately and requested to respond. If they have a reasonable ETA, personnel should try to maintain visual observation of the animal until they arrive. Once they arrive on-scene personnel shall assist them as needed.

821.3 POLICE OFFICER CONSIDERATIONS
In the event the allied agency has an extended ETA, Fontana Police Department personnel are authorized to take the following actions, as they deem necessary:

(a) The first, best option is to try and scare the animal into leaving the area; the nature of the animals in this area is to avoid human contact, so if out in the open, ASO’s and officers should follow the animal, using sirens and air horns in an attempt to scare the animal into leaving.

(b) If the opportunity to safely deploy less lethal or “bear scare” rounds at the animal arises, officers or ASO’s should take such action.

(c) If this tactic is used, it is imperative that another officer be prepared with a shotgun; the shotgun should be loaded with slugs when dealing with a bear. In the event the animal is hit with less lethal options and stands its ground or displays any form of aggression,
Handling Wildlife Calls

officers are authorized to utilize lethal force. This is a last resort to be used if the officer feels the animal is a threat to on scene personnel or residents in the surrounding area.
Chapter 9 - Custody
Temporary Custody of Adults

900.1 PURPOSE AND SCOPE
This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Fontana Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS
Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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

**Temporary custody** - The time period an adult is in custody at the Fontana Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Fontana Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

In accordance with Penal Code 853.6, those individuals arrested for misdemeanors or violations of any city ordinance, and does not demand to be taken before a magistrate, may be released from the Fontana Police Department's Temporary Holding Facility with a written notice to appear in court.

900.2.1 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Patrol Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code 849.5; Penal Code 851.6)

(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Fontana Police Department and the record reflects only a detention.
Temporary Custody of Adults

(c) The California DOJ is notified.

900.3 GENERAL CRITERIA AND SUPERVISION
No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHALL NOT BE IN TEMPORARY CUSTODY (ADULT AND JUVENILE)
Individuals who exhibit certain behaviors or conditions shall not be in temporary custody at the Fontana Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
   1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).

(h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

(j) Any individual who is obviously developmentally disabled (15 CCR 1057).

(k) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).

(l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).

(m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).
Temporary Custody of Adults

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals shall not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances. Anyone later found to have been booked into temporary custody which match any of the above will immediately be transferred out of the facility.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY
An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising shall not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 STAFFING PLAN
The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028). The on-duty Watch Commander is a 24/7 position that meets these requirements. Cardiopulmonary resuscitation equipment shall be maintained and readily available.

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the City, as required by 15 CCR 1027.

STAFFING PLAN
1 Custodial Supervisor and 8 Jail Officers (Custodial Personnel)

Custodial Personnel Duties:

- Sign into the jail log book at the start of your shift
- Complete key log
- Conduct jail inspection
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- Receive pass down from previous shift
- Transport or cite release arrestees
- Process incoming arrestees: complete intake, medical screening, classification, property and PREA forms. (Sobering form as applicable)
- Jail must be kept clean and organized throughout shift.
- Provide pass down to oncoming officer(s)

Custodial Supervisor Duties:
- Responsible for all jail operations
- Management of jail personnel
- Ensure jail operates in accordance with all local, state, and federal laws and regulations.
- Directs the preparation and maintenance of inmate records and documentation related to facility operations; reviews reports prepared by subordinates to ensure they are accurate and prepared in a professional manner; compiles statistics and prepares periodic reports.
- Performs the essential functions required of a Corrections Officer as necessary.
- Plans, analyzes, and organizes facility safety and security measures, assures efficient and effective support services for the facility.
- Participates in the selection of new employees as assigned; supervises and evaluates the performance of assigned staff, and recommends corrective action or commendation as appropriate.

900.3.4 ENTRY RESTRICTIONS
Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.
(b) Emergency medical personnel when necessary.
(c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.3.5 DEPARTMENTAL ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the Temporary Holding Facility operations have been established:

Facility Administrator: The Chief of Police shall be the Facility Administrator officially charged, by law, with the administration of the Temporary Holding Facility.
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Temporary Holding Facility Manager: The Lieutenant or designee will have the responsibility for planning, managing, administrative functions, review of the facility manual and the operations of the Temporary Holding Facility.

Temporary Holding Facility Supervisor: The employee with 24 hour per day functional responsibility for the Temporary Holding Facility will be the Watch Commander. Any other supervisor may provide assistance as needed.

Custodial Supervisor: The Custodial Supervisor shall be responsible for all jail operations and management of Custodial Personnel.

Custodial Personnel: Custodial personnel shall be those on duty sergeants, detectives, corporals, officers, contracted jail staff or other designated employees whose additional duties include the supervision of prisoners that are detained in the Temporary Holding Facility.

900.4 INITIATING TEMPORARY CUSTODY
The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. Each infectious disease has its own specific signs and symptoms but commonly will include the following; fever, diarrhea, fatigue, muscle aches and/or coughing. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual’s arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT
Generally, prisoners are held alone in cells. If the officer responsible for an individual in custody is considering placement into a cell, the officer responsible for the individual in custody shall (15 CCR 1050):

(a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
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1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
   (a) Continuous, direct sight and sound supervision.
   (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

4. Ensure males and females are separated by sight and sound when in cells.

5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
   (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
   (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.
   (e) Ensure the individual's own views with respect to his or her own safety shall be given serious consideration. The Fontana Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment. The department will not tolerate any abuse, harassment or retaliation against any person. The department will take immediate action to protect all persons. All persons in custody will be advised at intake regarding the methods in which to report sexual abuse, harassment, retaliation and neglect. These methods include verbally, in writing, privately or anonymously. Persons in custody will also be advised 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 inmate to remain anonymous.

900.4.2 CONSULAR NOTIFICATION
Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State’s list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:
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(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
   1. This notification should be documented.

(b) Determine whether the foreign national’s country is on the U.S. Department of State’s mandatory notification list.
   1. If the country is on the mandatory notification list, then:
      (a) Notify the country’s nearest embassy or consulate of the arrest or detention by fax or telephone.
      (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
      (c) Forward any communication from the individual to his/her consular officers without delay.
      (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
   2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
      (a) Notify the country’s nearest embassy or consulate of the arrest or detention by fax or telephone.
      (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS
Any time an individual is in temporary custody at the Fontana Police Department, the custody shall be promptly and properly documented in a custody log, including:
   (a) Identifying information about the individual, including his/her name.
   (b) Date and time of arrival at the Department.
   (c) Any charges for which the individual is in temporary custody and any case number.
   (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
   (e) Any medical and other screening requested and completed.
   (f) Any emergency situations or unusual incidents.
   (g) Any other information that may be required by other authorities, such as compliance inspectors.
   (h) Date and time of release from the Fontana Police Department.

The Watch Commander and/or Custodial Personnel should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.
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The Watch Commander and/or Custodial Personnel should make periodic checks to ensure all log entries and safety and security checks are made on time.

In addition, the Custodial Supervisor shall at least annually, review, evaluate, and make a record of security measures. The review and evaluation shall include internal and external security measures specific to the prevention of sexual abuse and sexual harassment.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.
(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
   1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
   2. This does not apply to surreptitious and legally obtained recorded interrogations.
(c) There is reasonable access to toilets and wash basins.
(d) There is reasonable access to a drinking fountain or water.
(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
(f) There is privacy during attorney visits.
(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
   1. The supervisor should ensure that there is an adequate supply of clean blankets.
(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.
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Those who require medication while in temporary custody should not be at the Fontana Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE
Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.5.5 TELEPHONE CALLS
Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual’s desire for further telephone access.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
   1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
   2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
   1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
   2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
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(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

900.5.6 RELIGIOUS ACCOMMODATION
Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual’s head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES
Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM
In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody or any other person shall be documented as stated in the Use of Force or On-Duty Injuries policies, or other applicable reporting process. These records shall be prepared by the staff assigned to investigate the incident and submitted to the Watch Commander before the end of the shift. The report shall include the names of the persons involved, a description of the incident, the actions taken, and the date and time of the occurrence. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.9 FIRE SAFETY
The person, designated by the facility supervisor as having responsibility for the Temporary Holding Facility should, at the beginning and end of each shift, inspect the Temporary Holding Facility to ensure:

(a) No flammable materials are stored in the detention area
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(b) Fire extinguishers are serviceable
(c) Cell keys are available in the Watch Commander's office and the Dispatch Center for emergency use
(d) First aid kits are readily available and completely stocked
(e) Smoke detectors are operational

The Custodial Supervisor or his/her designee shall inspect the facility on a monthly basis. The results of the monthly inspection shall be documented in writing. The inspection record shall be retained for two years. (Title 15, California Code of Regulations 1032). The facility administrator will consult with the San Bernardino County Fire Department for feedback to this agency's fire suppression pre plan as requested and will ensure that the facility is inspected biennially pursuant to HS 13146.1(A) and (B)

900.5.9.1 FIRE PROCEDURES

1. In the event of a fire in the detention area the discovering employee should immediately:
   - Notify the Fire Department, Watch Commander and on-duty patrol personnel simultaneously through Dispatch Center
   - Initiate movement of all prisoners to an area of safety through the utilization of the evacuation plan.
   - Begin fire suppression procedures as applicable

2. Responding patrol officers and booking officers, under the direction of the Temporary Holding Facility Manager or Watch Commander, should be responsible for:
   - The evacuation of prisoners
   - Obtaining medical services as needed
   - Securing prisoners in a temporary holding area
   - Arranging transportation of prisoners to the County Jail or other Temporary Holding Facility as necessary

3. The Facility Manager, in coordination with the Fire Department and qualified first aid/CPR instructional personnel, shall oversee the training of all department personnel and ensure that they are familiar with:
   - The Temporary Holding Facility policy and procedures; and
   - Fire safety and evacuation plan including the use of the fire extinguisher

4. The Fire Marshal should make annual inspections of the Temporary Holding Facility
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900.5.9.2 EVACUATION OF TEMPORARY HOLDING FACILITY

If an evacuation of the Temporary Holding Facility becomes necessary, the following should be considered:

(a) Safety of public
(b) Safety of department personnel
(c) Safety of prisoners
(d) Security of prisoners

900.5.9.3 NOTIFICATION

(a) Watch Commander
(b) All available sworn personnel
(c) Fire Department
(d) Medical aid
(e) Facility Manager
(f) Facility Administrator

900.5.9.4 EMERGENCY EVACUATION

When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be orderly fashion by one of the routes posted in the Temporary Holding Facility.

900.5.9.5 EVACUATION FORMATION AREA

All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or in the case of an emergency of a long duration until they can be transported to West Valley Detention Center.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppressin or other emergency activities.

900.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the
appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

**900.6 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs shall be removed when the person is in a cell. Restraints will not be used in the facility. If a prisoner needs to be restrained for reasons other than safety/security or transportation, he or she will be immediately transported to the County Jail.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

**900.6.1 PREGNANT ADULTS AND RESTRAINTS**

Pregnant prisoners shall not be brought into the THF. Anyone who is later found to be pregnant will immediately be removed from the facility in accordance with section 900.10. Prisoners who are known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs behind the body. Prisoners in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmates, the staff or the public. Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant prisoner during a medical emergency, labor, delivery, or recovery after determines that the removal of restraints is medically necessary. Upon confirmation of an inmate’s pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates.

**900.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient’s signature on the appropriate form. Officers shall take care in the handling of a prisoners’s property to avoid discrepancies or losses. Any personal property belonging to the prisoner but retained by the officer for safekeeping, shall be kept in a secure location until the prisoner is released or transferred.

Smaller items such as a driver's license, pocketknife, wallet, prescription medication and other similar bag, and sealed. A list of the property, including detailed descriptions of prescription medications, shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Prisoner property that is too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.
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Property belonging to the prisoner, but retained by the officer as evidence, shall be booked according to procedures. The prisoner shall be advised that such property will be kept as evidence and where demanded, the officer will issue the prisoner a receipt. Such receipt may be a copy of the property booking form, written out in the officer’s handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer’s badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property’s return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person’s signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Watch Commander shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS
A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual’s initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur at least hourly through direct visual observation. There shall be no more then a 60-minute lapse between safety checks (15 CCR 1027.5).

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
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5. Requests or concerns of the individual should be logged.

900.8.1 USE OF SOBERING CELL
Inmates who are to be held in the Temporary Holding Facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any inmate in a sobering cell (15 CCR 1056):

(a) Placement of an inmate into the cell requires approval of the Watch Commander.
(b) A cell log shall be initiated every time an inmate is placed in the cell. The log shall be maintained for the entire time the inmate is housed in the cell.
(c) A safety check consisting of direct visual observation sufficient to assess the inmate’s well-being and behavior shall occur at least once every 30 minutes. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.
(d) Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue.
(e) Inmates will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY
In the event of a suicide attempt, death or serious injury, facility staff shall:

(a) Immediately request emergency medical assistance if appropriate
(b) Immediately notify the Watch Commander, Chief of Police and Investigation Division Commander
(c) Notify the spouse, next of kin or other appropriate person
(d) Notify the appropriate prosecutor
(e) Notify the City Attorney
(f) Notify the Coroner
(g) Ensure evidence preservation
(h) In-custody death reviews (15 CCR 1046)
(i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525). A copy shall be provided to the Board of State and Community Corrections within 10 days.
(j) There will be a multi-disciplinary administrative review of suicide and attempted suicides as defined by the facility administrator within 30 days. The review team shall include the facility administrator and/or the facility manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant
to the incident. Deaths shall be reviewed to determine the appropriateness of clinical care; whether changes to policies, procedures, or practices are warranted; and to identify issues that require further study.

1. Upon the receipt of a death of a minor from the administrator, the Board may within 30 calendar days inspect and evaluate the jail, lockup, or holding facility pursuant to the provisions of this subchapter. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.

900.10 RELEASE AND/OR TRANSFER
When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.
(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
(c) It has been confirmed that the correct individual is being released or transported.
(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
(f) The individual is not permitted in any nonpublic areas of the Fontana Police Department unless escorted by a member of the Department.
(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS
Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.
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900.11 ASSIGNED ADMINISTRATOR
The Patrol Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

(a) General security
(b) Key control
(c) Sanitation and maintenance
(d) Emergency medical treatment (15 CCR 1200)
(e) Escapes
(f) Evacuation plans
(g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
(h) Disaster plans
(i) Building and safety code compliance
(j) Civil and other disturbances including hostage situations
(k) Periodic testing of emergency equipment
(l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections as required in 15 CCR 1012
(m) Inspections and operations reviews
(n) Storage, issue, use of weapons, ammunition, chemical agents and tools.
(o) Suicide Prevention
(p) Segregation of inmates
(q) Any other applicable requirements under 15 CCR 1029

Each facility administrator shall, at least annually, review, evaluate, and make record of security measures including internal and external security measures, sanitation, safety and maintenance, and include security measures specific to prevention of sexual abuse and sexual harassment. (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

900.11.1 KEY CONTROL

Key control is an essential element in detention management. To assure the safety of all personnel, the citizens in the community, and other prisoners in the detention facility, control of keys is mandatory. Each employee will be issued a set of building keys that shall be kept on their person at all times.

(a) Manual Key Operated Locks: The manual key operated locks encompass fixed door locks, padlocks, and locks used for storage. This type of lock requires the use of a key to open routinely. The keys must be accounted for at all times.
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1. Each key will be numbered, placed on a ring, and kept inside the key lock box.

2. At shift change, the oncoming custodial staff member will document the status of the jail keys on the key log. Every jailer will confirm that all other keys are accounted for and secure in the key lock box. Any broken keys must have all parts turned over to the Custodial Supervisor with the key ring.

3. In the event the keys are broken; the on duty custodial staff will notify the Watch Commander and Custodial Supervisor immediately. The custodial staff will then obtain an emergency set of keys kept in the Watch Commander’s office until the broken key(s) are replaced.

4. If the on-coming shift becomes aware that any keys are missing, the on-duty custodial staff will notify the Custodial Supervisor and Watch Commander that keys are missing.
   The senior custodial staff member on duty will immediately contact all members of the previous shift to determine if any of teh previous shift staff members had retained the set of keys. Once the keys have been located, the employee who is in possession of the keys shall immediately return those keys to the facility.

5. Security of the facility demands safeguards of the keys. Keys which will allow exit from this facility will be carried with extreme caution, care, and with the highest security.
   Additional basic securities of the keys are as follows:
   
   (a) Do not allow prisoners to handle the keys at any time.
   
   (b) Keep the keys on your person. A key chain, securely attached to a belt, and a snap fastener to the ring, is highly recommended.
   
   (c) As you routinely operate the locks, check their functioning. Observe to determine if there is any tampering, and make sure there are no shims, or obstructions which might allow the lock not to be secured.
   
   (d) Always pull the door after locking to check it. Always pull the padlock to make sure it is locked. Always check to make sure the lock is secure.
   
   (e) Staff members may carry their own handcuff keys. It is further advised this key must be secured by the staff member, and when not in use, out of sight in a pocket or pouch. Keys should never be left unsecured on counters, in purses/bags or in unsecured desk drawers.
   
   (f) The senior Custodial Staff member on duty will be accountable for the keys to the transport van.

   (b) A set of keys is located in the Watch Commanders office in the event of an emergency.

900.12 TRAINING
Department members should be trained and familiar with this policy and any supplemental procedures.
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Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

(a) Applicable minimum jail standards
(b) Jail operations liability
(c) Inmate segregation
(d) Emergency procedures and planning, fire safety, and life safety.
(e) Suicide prevention

Eight hours of refresher training shall be completed once every two years (15 CCR 1024).

The Training Sergeant shall maintain records of all such training in the member’s training file.

900.13 FACILITY SANITATION AND MAINTENANCE
The Watch Commander or his/her designee should inspect the Temporary Holding Facility at the beginning and end of each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the jail supervisor.

900.14 ESCAPES
Prevention is the key to escape procedures. If, however, an escape appears to have occurred, immediately notify the Watch Commander and:

(a) Immediately secure the facility and conduct an emergency count, verifying identification of all prisoners.
(b) Establish a perimeter to contain the arrestee
(c) Organize search teams for a coordinated search to locate the escapee.

900.15 DISTURBANCES

(a) Being responsive, communicative, pro-active, and concerned, is all appropriate behavior of staff assigned. This behavior significantly reduces, or negates the possibility of disturbances within the facility.

(b) In the event of a disturbance, immediately sound the panic alarm. Staff is to notify the Watch Commander who will advise dispatch and respond for assistance. The Watch Commander and Custodial Supervisor (or senior custodial staff member) will coordinate all efforts with responding units.

(c) Obtain medical treatment for any injured persons. Make sure all injuries are well documented and photographed.

(d) A written report of the incident will be prepared by responding officers, including any damage assessment.
900.16 HOSTAGES
The purpose of the following procedures are to ensure the safety of the hostage as the primary concern, as well as the safety of the inmates and the security of the facility. Implement the quickest and most safe sequence of events.

(a) Any custodial staff that becomes aware of an existing hostage situation will immediately contact the Watch Commander, who will call for assistance. Identify the hostage(s), and inmate(s) involved, secure the area immediately, and cease all inmate movement.

(b) Request medical assistance and fire department personnel to respond, and stand by.

(c) The following is the basic procedure to follow:
   1. Safety of the hostage is of utmost importance.
   2. Staff will insure the immediate area is secure. Lock down situation will exist. All inmates are to be in secured areas or removed to a secured location by appropriate escorting staff.
   3. Suspend all activities, i.e. phone conversations, bookings, tours, movement.
   4. Prevent abductor from obtaining other hostages.
   5. Prevent other inmates from joining the abductor.
   6. To document after the incident is over.
   7. Identified inmate(s) arrest files are to be made immediately available. All information, location and what has transpired up to this time, will be given to the Senior Officer present.
   8. Any employee (custodial staff or police) taken hostage has NO authority, regardless of rank or position while they are hostage.
   9. If the abductor has secured an area with monitoring capability, either audio or video, make sure this equipment is shut down completely.
   10. The situation is under control, then, and only then, will the facility restore normal operations.
   11. Any person injured in an incident must receive immediate medical attention.
   12. When situation is under control, then, and only then, will the facility restore normal operations.

900.17 MASS ARRESTS
An operational plan shall be developed for any event that could result in mass arrests. 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.
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(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.

900.18 NATURAL DISASTERS

(a) Natural Disasters, such as earthquakes, may occur at any time. The best course of action, depending on the severity, will be to protect in place. Prisoners are instructed to take cover if appropriate, for protection.

(b) Smoke inhalation is of major concern. Even a small fire may provide sufficient smoke to effect physical damage. Therefore, prevention, use of approved materials; all tend to mitigate this concern. However, if the area becomes heavily saturated with smoke, or any other environmentally unsafe incident occurs, and it is confined to the building itself, then the fire evacuation plan will be implemented. The first area of placement will be east of the building. The second area of placement, if necessary, will be to the north of the building. The Fontana Police Department will provide for armed perimeter security for this area. All efforts will be made to ventilate the building, to return to normal operations as quickly as possible.

(c) Security must be maintained. Prisoners may become overly reactive in times of stress. This may include escape attempts, or taking advantage of the situation to create more diversions. Individually, or in transport chains, attempt to mitigate the situation by handcuffing. A minimum of one handcuff connecting two inmates will be used.

At the same time, display a calm demeanor, which will assist in restoring good order quickly. Your duties will be with the prisoners, inside the Temporary Holding Facility, and the correction of the problem, which effected this emergency reaction.

900.19 EMERGENCY EQUIPMENT TESTING

(a) Fire extinguishers will be inspected semi-annually by the San Bernardino County Fire Department. The Fire Department inspector will make a notation on the fire extinguisher tag. The fire sprinkler system will be included in the building inspection, provided by the San Bernardino County Fire Department. All fire systems will be inspected routinely by the area fire department staff.

(b) All other emergency equipment will be tested as required by the manufacturer, and will be noted on the container, or placed on the item by tagging. Panic will buttons, and personal distress alarms will be tested once a month.

900.20 STORAGE, ISSUE, USE OF WEAPONS, AMMUNITION, CHEMICAL AGENTS AND TOOLS

Due to this facilities location, directly within the Fontana Police Department, no weapons, ammunition, or chemical agents will be maintained in the Temporary Holding Facility. Any tools required for use in the facility will be closely monitored, and checked to assure removal from the facility after use.
Temporary Custody of Adults

Officers entering the Temporary Holding Facility will lock their duty weapons in the gun safes outside of the facility door before entering.

900.21 SUICIDE PREVENTION

Although prisoners are detained in the Temporary Holding Facility for a short period of time, it is still possible for a prisoner to commit suicide. All personnel shall be familiar with the signs, symptoms, and the risk of a suicidal prisoner.

Upon admitting prisoners to the holding facility, it is important to always be alert for those individuals that may exhibit signs of potential suicide. Generally, persons at risk are:

(a) Prominent persons charged with embarrassing crime.
(b) Persons held for alcohol or drug related crimes.
(c) All juveniles.
(d) Persons with history of self-destructive acts.
(e) Individuals who state their intention of suicide.
(f) Individuals who appear overly depressed.
(g) Prisoners who have visible scars on their wrists or neck indicating prior suicide attempts.

Suicides generally occur within the first eight (8) hours of incarceration. The state of intoxication of a person upon incarceration greatly increases the likelihood of suicide. Again, special attention and documentation of observation is critical for intoxicated prisoners. Any prisoner found to be in need of medical attention due to suicide risk or attempt will be kept in constant observation until they leave the Temporary Holding Facility.

900.22 SEGREGATION OF INMATES

Segregation of prisoners detained in the Temporary Holding Facility will be for the following reasons:

(a) Incompatible gang affiliation
(b) Co-defendants who hold animosity toward the other
(c) Medical concerns
(d) will be documented in the file of the prisoner.
(e) No segregation will occur for race, ethnic, religious, national origin, political or other inappropriate classifications.

Inmates within the Fontana Police Department are kept separated except during transportation. This facility does not provide long term inmate housing.

900.23
Temporary Custody of Adults
Custodial Searches

902.1 PURPOSE AND SCOPE
This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Fontana Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS
Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of 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.

902.2 POLICY
All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES
An officer should conduct a custody search of an individual immediately after 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 officer of the same sex is not reasonably available, a witnessing officer should be present during the search.
Custodial Searches

902.4 SEARCHES AT POLICE FACILITIES
Custody searches shall be conducted on all individuals in custody, upon entry to the Fontana 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.

902.4.1 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 Fontana Police Department identification number and information regarding how and when the property may be released.

902.4.2 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.

902.5 STRIP SEARCHES
No individual in temporary custody at any Fontana 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:
Custodial 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).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Fontana 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.
   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.
Custodial Searches

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.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with watch commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the watch commander authorization does not need to be in writing.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the watch commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The watch commander’s approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.7 TRAINING
The contract correctional jail manager shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.
(b) Conducting searches of transgender and intersex individuals.
(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8 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

904.1 PURPOSE AND SCOPE
This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against detainees or prisoners in the Fontana Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

904.1.1 DEFINITIONS
Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the 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).

**904.2 POLICY**

The Fontana 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 Fontana 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).

**904.3 PREA COORDINATOR**

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards in the Fontana Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of 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 Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice’s (DOJ) Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents” or a similarly comprehensive and authoritative protocol.

2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

3. A process to document all referrals to other law enforcement agencies.

4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.

5. In accordance with security needs, provisions to 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).
Prison Rape Elimination

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency’s direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees or prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

(l) Ensuring that information for uninvolved 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).

904.4 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).

904.4.1 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:
Prison Rape Elimination

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary 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.

904.4.2 WATCH COMMANDER RESPONSIBILITIES
The Watch Commander shall report to the department’s designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that 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 Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner’s potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

904.5 INVESTIGATIONS
The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 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.
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(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.

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).

904.5.2 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 Fontana 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 Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

904.5.3 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).

904.5.4 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
Prison Rape Elimination

regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

904.5.5 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.

904.6 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.

904.7 REVIEWS AND AUDITS
904.7.1 INCIDENT REVIEWS
An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

904.7.2 DATA REVIEWS
The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be
redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Fontana Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

904.8 RECORDS
The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

904.9 TRAINING
All 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 Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

• The Department's zero-tolerance policy and the right of 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.
Prison Rape Elimination

- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current 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 Fontana Police and that are promulgated and maintained by Human Resources.

1000.2 POLICY
In accordance with applicable federal, state, and local law, the Fontana Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT
The Administrative Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.
(b) Use of marketing strategies to target diverse applicant pools.
(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
(e) Employee referral and recruitment incentive programs.
(f) Consideration of shared or collaborative regional testing processes.

The Administrative 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.
Recruitment and Selection

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)
(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 Fontana Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).
1000.5.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES
If information disclosed in a candidate’s criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private, or protected information, the Administrative Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administrative Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.
(b) Material and information to be considered are verified, accurate, and validated.
(c) The department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administrative 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 not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate’s background investigation file (11 CCR 1953).

1000.5.5 RECORDS RETENTION
The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

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 Fontana Police Department or is transferred to a different department within the city as provided in 11 CCR 1953(f).
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; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Division should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS
Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions
(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
(c) At least 18 years of age
(d) Fingerprinted for local, state, and national fingerprint check
(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
   1. Reading and writing ability assessment (11 CCR 1951)
   2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the department (Penal Code § 13510(d)).

1000.7.2 STANDARDS FOR DISPATCHER
Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):
   (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
   (b) An oral communication assessment (11 CCR 1958)
   (c) A medical evaluation (11 CCR 1960)

1000.8 PROBATIONARY PERIODS
The Administrative Division Commander should coordinate with the Fontana Human Resources Division to identify positions subject to probationary periods and procedures for:
   (a) Appraising performance during probation.
   (b) Assessing the level of performance required to complete probation.
   (c) Extending probation.
   (d) Documenting successful or unsuccessful completion of probation.
Promotional and Transfer Policy

1004.1 PURPOSE AND SCOPE
The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Fontana Police Department.

1004.1.1 GENERAL REQUIREMENTS
The following conditions will be used in evaluating employees for promotion and transfer:

(a) Present a professional, neat appearance.
(b) Maintain a physical condition which aids in their performance.
(c) Demonstrate 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
   6. Initiative
   7. Adaptability and flexibility
   8. Ability to conform to organizational goals and objectives in a positive manner.

1004.1.2 SPECIAL ASSIGNMENT REQUIREMENTS / ACKNOWLEDGMENTS
(a) All employees selected for special assignments shall maintain annual employment performance evaluations with ratings of competent or higher in all rated areas. Failure to maintain an annual evaluation of competent or higher in all rated areas may result in removal from a special assignment.
(b) By accepting a special assignment employees acknowledge service in the assignment is at the pleasure of the Chief of Police, or his designee who may remove any employee from such assignment at his/her sole discretion without such reassignment being considered to be a punitive action.

1004.2 SWORN NON-SUPERVISORY SPECIAL ASSIGNMENTS
The following positions are considered special assignments and are not considered promotions:

(a) MET / Bikes / Gangs / Graffiti / SANCATT / GTA
(b) Investigations / General Detective / 290 Detective
(c) Traffic / Motors / DUI / M.A.I.T. / Commercial Enforcement
Promotional and Transfer Policy

(d) Air Unit Observer
(e) Field Training Officer
(f) Administration / Internal Affairs / Front Desk
(g) Crime Prevention / School Resource Officer
(h) K9 Officer
(i) Narcotics
(j) Training / Recruitment / Backgrounds

1004.2.1 DESIRABLE QUALIFICATIONS
The following desired qualifications apply to consideration for special assignments:

(a) Three years experience
(b) Off 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, public relations, etc.
(e) Complete any training required by POST or law

1004.2.2 TYPES OF TRANSFERS AND ASSIGNMENTS

Transfers and assignments for Administrative Reasons:

The Chief of Police may select any employee for an organizational assignment, which in his/her opinion will improve the quality of police services and/or best meet organizational needs. Transfers and assignments for administrative reasons are effective solely at the discretion of the Chief of Police.

Transfer for Career Development Reasons:

Any employee may request consideration for a transfer for career development reasons (i.e. to expand individual growth through varied or specialized assignments) to any organizational unit of the department wherein their job classification is allocated.

1004.2.3 TRANSFER REQUEST

(a) When special assignment positions become available, the department may circulate a memorandum to all eligible employees detailing the position, the period of the assignment, and any special information that may assist the employee in determining whether or not he or she wishes to submit a memorandum of interest for the assignment. Employees who are interested in applying for the advertised special assignment, must submit a memorandum of interest to the appropriate division commander.
Promotional and Transfer Policy

(b) An employee may request transfer to an organizational unit with preference given to those applicants who have successfully completed their probationary period. An employee may nominate himself/herself by inter-office memorandum. The transfer nomination memorandum shall be forwarded through the chain of command to the appropriate Division Commander.

1004.3 SELECTION PROCESS
The following criteria apply to transfers and special assignments.

(a) When a vacancy is anticipated or occurs in an organizational unit, the Division Commander shall advise the Chief of Police of the impending vacancy.

(b) The selection process may include an evaluation of the employee's memorandum of interest for the special assignment to verify that the employee has met the minimum and/or any special requirements for the special assignment.

(c) A staff evaluation will then be conducted for each applicant. The Division Commander shall consult with the Chief of Police concerning his/her selection for the vacant position. The Chief of Police shall make the final decision.

(d) Appointment by the Chief of Police. The policy and procedures for all positions may be waived for temporary assignments, emergency situations, for training, or when circumstances dictate that the Chief make such an appointment.

1004.3.1 ORGANIZATIONAL ROTATION

(a) Organizational rotation will be affected in all units to facilitate career development and to improve overall departmental effectiveness through the dispersion of expertise and experience. Normally, police officers, corporals, sergeants and lieutenants assigned to a specialized unit for more than 36 months, except those who are in an assignment and qualify for an extension, will be transferred to Field Services for at least one year, after which they will become eligible for transfer to their previous unit, or to a new unit. An overall evaluation rating of "MS" or "ES" will be a requisite for approval for an extension beyond the base length of the assignment, subject to exception only when approved by the Chief of Police.

(b) Division Commanders are responsible for continually reviewing organizational performance to determine if rotation of individual personnel would improve organizational unit performance and individual career development.

(c) Personnel desiring the one year extension will need to submit a memo to the division commander via the chain of command requesting the extension.

(d) The terms for each special assignment are outlined below.

<table>
<thead>
<tr>
<th>POSITION</th>
<th>LENGTH</th>
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### Promotional and Transfer Policy

<table>
<thead>
<tr>
<th>Position</th>
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<tbody>
<tr>
<td>Investigations Lieutenant</td>
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<tr>
<td>Investigations Sergeant</td>
<td>2+1</td>
</tr>
<tr>
<td>Robbery / Homicide Corporal</td>
<td>2+1</td>
</tr>
<tr>
<td>Sex Crimes Corporal</td>
<td>2+1</td>
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<tr>
<td>Other Investigations Corporal</td>
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<tr>
<td>RRT Officer</td>
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<tr>
<td>General Detective</td>
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<tr>
<td>Computer Forensics Investigator</td>
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<tr>
<td>Investigations CSO</td>
<td>2+1</td>
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<tr>
<td>Traffic Sergeant</td>
<td>2+1</td>
</tr>
<tr>
<td>Traffic Corporal</td>
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<tr>
<td>Commercial Traffic Officer</td>
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<tr>
<td>Accident Investigation Officer</td>
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<td>DUI Officer</td>
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<td>Motor Officer</td>
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<td>Front Desk Officer</td>
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<td>Air Unit Observer (primary)</td>
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<tr>
<td>Air Unit Observer (secondary)</td>
<td>2+1</td>
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<tr>
<td>Special Ops Lieutenant (MET/Narc)</td>
<td>2</td>
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<tr>
<td>MET Sergeant</td>
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<td>MET Corporal</td>
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<td>MET Officer</td>
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<tr>
<td>Bike Sergeant</td>
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<td>Bike Officer</td>
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<tr>
<td>Narcotics Sergeant</td>
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<td>Crime Prevention Sergeant</td>
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<td>School Resource Officer</td>
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<tr>
<td>Training / Recruitment Sergeant</td>
<td>2+1</td>
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<tr>
<td>Background Officer</td>
<td>2+1</td>
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</table>
Promotional and Transfer Policy

<table>
<thead>
<tr>
<th>Rank</th>
<th>Specification</th>
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<tbody>
<tr>
<td>Administrative Sergeant</td>
<td>1 then rotate to IA for 1</td>
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<tr>
<td>Administrative Lieutenant</td>
<td>2</td>
</tr>
<tr>
<td>Special Operations Lieutenant Code/ASO/SRO</td>
<td>2</td>
</tr>
<tr>
<td>K9 Officer</td>
<td>3+1 years incrementally up to the service life of dog</td>
</tr>
</tbody>
</table>

1004.4 PROMOTIONAL SPECIFICATIONS
Specifications for promotional opportunities are on file with the Fontana Police Department or Human Resources.
Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE
Convictions of certain offenses may restrict or prohibit an employee’s ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Administrative Services Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR 1003).

The Administrative Services Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

1010.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS
California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS
Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee’s ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member’s ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.
1010.4 REPORTING PROCEDURE
All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF
Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.
Peer Support Program

1011.1 PURPOSE AND SCOPE

Almost everyone has experienced or will experience a stressful situation in his/her lifetime. It is during these times that family and friends come to the rescue. They are able to provide needed support and understanding that help overcome life’s problems. The Peer Support Program is designed to meet those same needs in the work environment and is available to every Fontana Police Department employee.

This policy has three specific objectives:

(a) It provides a background for understanding the department’s Peer Support Program;
(b) It provides practical guidelines for management of the program;
(c) It provides the peer supporters with guidelines for assisting their peers.

This policy is divided into two sections. Section one contains a description of the program, including the roles of the organizational components. In addition, it contains an outline of the information and a listing of procedures for practical administration of the program.

Section two describes the skills and techniques that may be used by a peer supporter to assist persons who are faced with stressful situations. Each peer supporter must comply with the policies and procedures outlined in this manual.

As the Peer Support Program matures, policy and procedure changes are inevitable. The program coordinator and the peer supporters shall be required to keep open lines of communication to facilitate this evolving process. Effective, honest communication in a caring environment, balanced by the program protocol, will greatly enhance the opportunity for a successful program.

1011.2 DEFINITION

The Peer Support Program is a program that offers assistance and appropriate support resources to employees when personal or professional problems negatively affect their work performance, family unit or self. This communication is confidential, providing it does not violate any law or department regulation.

This program is designed to:

(a) Provide emotional support to employees who need assistance during and after times of personal or professional crisis.
(b) Promote trust, allow anonymity, and preserve confidentiality for persons using peer support within the guidelines of the program.
(c) Develop peer supporters who can identify personal conflicts and provide guidance or referral to professional/alternate resources as required.
Peer Support Program

(d) Maintain an effective peer support training and response program.
(e) Check on status of illnesses and IOD’s and provide support where desired and needed.

1011.3 MISSION STATEMENT

The Fontana Police Department has recognized the value of providing a way for their employees and their family members to deal with personal and/or professional problems. The Peer Support Program is provided as a non-professional support program which compliments the professional counseling service provided through The Counseling Team International. The Peer Support Program is comprised of peers, who on a voluntary basis make themselves available to any member of the department. Employees are afforded the opportunity to talk out personal/ professional problems with a peer who understands and cares.

The Fontana Police Department’s most valuable resource is its employees. The Peer Support Program’s goal is to assist peers with the stresses caused by personal and/or professional problems and help them continue to be a productive member of the Fontana Police Department.

1011.4 ACCESSING PEER SUPPORT

The Peer Support Team is available 24 hours a day, 7 days a week to all employees. There are Peer Support brochures and flyers at several locations in the station including briefing, report writing and the break room with Peer Support personnel contact information included. If no Peer Support personnel are available or working at the time of the employee’s need, the employee should call the Program Coordinator who will locate a suitable and available Peer Supporter.

1011.5 ROLES IN THE PEER SUPPORT PROGRAM

Several integral roles exist within the Peer Support Program. The roles are as follows for each defined position:

1011.5.1 ROLE OF PEER SUPERVISOR

The peer supporter provides assistance to employees in time of stress and crisis. The responsibilities of supporters are as follows:

(a) Provide trust, anonymity and assure confidentiality within guidelines to employees who seek assistance from the Peer Support Program.

(b) Listen to another employee’s feelings after a critical incident or crisis situation.

1. These events may include, but are not limited to- OIS, employee death or serious injury, infant/child death, witness to a traumatic event

(c) Facilitate or assist supervisors in diffusing critical incidents and in debriefing sessions.
Peer Support Program

(d) Attend peer support training sessions.
(e) Provide assistance and support on a voluntary basis to employees and family, referring him/her to the appropriate outside resource when necessary.
(f) Be available to the individual for additional follow-up support.
(g) Provide information on other resources available.
(h) Provide peer support orientation to new employees.
(i) Maintain contact with the program coordinator regarding program activities.
(j) Agree to be contacted, and if practical, respond at any hour.

Peer supporters are not exempt from federal, state, local laws, or the rules and regulations of the department. When necessary, contact the Peer Support Program coordinator for assistance and guidance.

1011.5.2 ROLE OF COORDINATOR

The Peer Support Program coordinator acts as the primary liaison between the peer supporters, resource persons, and the department. The program coordinator serves as the link to ensure that the Peer Support Program is being managed in accordance with the goals and objectives established for the program.

(a) Major duties of the coordinator include:
(b) Supervising of the program on a daily basis.
(c) Recruiting and coordinating the screening of applicants.
(d) Coordinating training of peer supporters.
(e) Developing resources to assist individuals when problem areas are identified.
(f) Maintaining and accounting of resources used by the program.
(g) Offering guidance to peer supporters when problems occur.
(h) Ensure follow-up response of peer supporters when referrals are made for outside services.

1011.5.3 ROLE OF ADVISORY PANEL

The advisory panel shall:

(a) Assist the coordinator with the selection of peer support personnel.
(b) Assist the coordinator with record keeping, which is to include statistics, training expenses and resource contacts.
(c) Provide input to coordinator and to peer supporters through the coordinator.
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1011.5.4 ROLE OF COUNSELING TEAM INTERNATIONAL

The Counseling Team shall:

(a) Design a training curriculum and provide peer supporters with the basic and continuing (updated) training.

(b) Serve as a primary referral source.

1011.6 PEER SUPPORT SELECTION PROCESS

All interested employees who choose to volunteer as a peer supporter must submit a memorandum of interest through the chain of command to the coordinator.

(a) Prospective peer supporters must meet the following criteria:

1. Agree to maintain confidentiality within the guidelines provided in this policy.
2. Be in good standing with the department.
3. Provided requested information in memorandum of interest.

(b) Desirable qualities include:

1. Be empathetic and possess outstanding interpersonal and communication skills.
2. Effective listening and problem solving skills.
3. Be motivated and willing to manage time effectively. This will allow minimal impact on their duties.
4. Be known for being able to keep confidential matters to themselves and have the trust of their peers.

When there is a need for peer supporters, the coordinator and advisory panel will select peer supporters from among qualified applicants who have expressed a desire to be part of the program and understand all that it entails. Memorandums of interest are to be submitted by applicants and the advisory panel would then discuss the attributes, (based on set criteria as listed in attached applicant review sheet,) of each applicant and make recommendations to the peer coordinator. The peer coordinator would add his comments on each applicant and forward their recommendations to staff. Peer supporters would then be selected by staff and would receive an introduction from the coordinator and advisory panel.

The coordinator will make available to staff a current list of peer supporters.

1011.7 TRAINING PROGRAM

The training program will consist of POST approved courses offered by The Counseling Team International and other outside sources, as well as in-house training. All training will be overseen by the program coordinator. The Basic Peer Support training course will be required of all personnel
involved in the program. The mandatory eight hours of updated peer support training is offered three times per year and all involved personnel will be required to attend one session every two years. The major emphasis of peer support training will focus on skills development of which includes:

- # Effective listening
- # General assessment skills
- # Problem-solving skills
- # Relationship termination (death, divorce, etc.)
- # Referral follow-up.

Follow-up/in-house trainings will focus on the following but are not limited to:

- # Department policy
- # Confidentiality
- # Coordination with Mentoring Program

1011.8 SERVICE ASSIGNMENT

(a) Peer support personnel may withdraw from the program at any time with proper notification.

(b) Peer support personnel may be removed from participation from the program for conduct inconsistent with program policy and objectives.

(c) Negative job performance caused by peer support duties must be reported by the peer supporter's supervisor to the program coordinator for discussion and resolution.

(d) Peer supporters may be removed from participation in the program for failure to attend scheduled training.

(e) Peer support personnel may be removed from the program at the discretion of the Chief of Police.

1011.9 ORGANIZATIONAL RESOURCES

The following guidelines provide peer support personnel formal authority to obtain certain organizational resources and support he/she needs to assist peer employees.

(a) All training will be approved by the program coordinator. POST training and all off-site training will be processed through the training coordinator, who will arrange the appropriate lodging, meals, etc.

(b) Peer support personnel are authorized to use department facilities to meet with employees.

(c) Peer supporters are permitted to consult with employees on duty, as long as said meetings do not interfere with either employees’ immediate required duties. If the
consultation is lengthy or the employee is in distress, the peer supporter will advise the employee’s immediate supervisor, if applicable.

(d) Participation in the program is voluntary and no overtime or compensatory time will be authorized for the time expended performing peer support duties, unless under special circumstances and authorized by the program coordinator of higher rank.

1011.10 CONFIDENTIALITY

It is imperative that peer support personnel maintain strict confidentiality of all information learned about an individual within the guidelines of this program.

Communications between peer supporters and employees are not privileged communications under the Evidence Code. The department will respect the confidentiality of conversations between peer support personnel and employees with the following exceptions:

(a) Danger to self.
(b) Danger to others
(c) Suspected child abuse.
(d) Narcotic offenses (sales or transportation).
(e) Domestic violence.
(f) Factual elder abuse.
(g) Where divulgence is requested by peer.

Disclosures under these exceptions will be made directly to the Chief of Police or his designee. Peer support assistance is not exempt from laws, rules, regulations, or special orders; but any exchange of information not in violation of this statement will be confidential.

A general principle for peer support personnel to follow is to inform the person, prior to discussion, what the limitations and exceptions are regarding the information revealed. In those cases where a concern or a question regarding confidentiality arises, the peer supporter must immediately contact the coordinator or Counseling Team who will take the appropriate action.

1011.11 INTERNAL INVESTIGATIONS

It may occur that a peer supporter is assisting an individual who is or becomes the subject of a disciplinary investigation. The peer supporter’s role in disciplinary situations should be one of support and assisting individuals through the stress they may face during the disciplinary process. The peer supporter should be guided by the confidentiality policy of the Peer Support Program. He/she should not volunteer any information received in confidence, however, the peer supporter may not hamper or impede the actual investigation, nor may they attempt to shelter the individual from the department’s investigation. Department supervisors shall respect the confidentiality of the prior peer support conversations. If a peer supporter is ordered by a supervisor to divulge
Peer Support Program

information obtained during a peer support session that divulgence shall be ordered by the Chief of Police or designee.

If peer supporters have any questions or concerns regarding these situations, they should consult with the coordinator for guidelines and assistance.

1011.12  PEER SUPPORT PROGRAM SKILLS AND TECHNIQUES

The purpose of this section is to provide the peer supporter with a summary of the guidelines to be followed when dealing with situations under field conditions. These guidelines are the basic tools for providing assistance. Used properly, they will help boost peer supporter confidence and will reduce the risks of mismanaging emotional problems. For more detailed guidelines, the peer supporter should refer to the training material from the Basic Peer Support training course.

1011.12.1 LISTENING
Listening techniques are fundamental to the use of all other interviewing skills. The purpose of effective listening includes:

(a) Encouraging self-expression.
(b) Allowing individual opportunity to direct the interview.
(c) Giving individuals the sense of responsibility for what happens.
(d) Helping individuals relax and be comfortable in the interview.
(e) Fostering trust of the peer supporter and a sense of security.
(f) Enabling the peer supporter to draw more accurate inferences about the individual.

1011.12.2 ASSESSMENT
The process of making a judgment about the information gathered during the interview. Two primary factors must be considered:

(a) Assess whether the problem is one with which you can assist the person or one that should be referred to professional resources.
(b) Assess whether the problem needs urgent attention.

1011.12.3 REFFERAL
The process of directing the peer to the appropriate professional service(s) available.

1011.12.4 FOLLOW UP
Once assessment and referrals have been made, the peer supporter should monitor the individual’s progress, and provide follow-up assistance as needed.
Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE
The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1012.2 POLICY
It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES
Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the watch commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1012.3.1 USE OF MEDICATIONS
Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES
Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.
Drug- and Alcohol-Free Workplace

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM
There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS
If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 REQUESTING SCREENING TESTS
The supervisor may request an employee to submit to a screening test under the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITY
The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.
Drug- and Alcohol-Free Workplace

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 SCREENING TEST REFUSAL
An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.
Communicable Diseases

1014.1 PURPOSE AND SCOPE
This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

(a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.

(b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).

(c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.

(d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1014.1.1 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 Fontana Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1014.2 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.
1014.3 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.

1014.4 POLICY
The Fontana 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.

1014.5 EXPOSURE CONTROL OFFICER
The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.
(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member’s position and risk of exposure.
(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
(e) Compliance with all relevant laws or regulations related to communicable diseases, including:
   1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
   2. Bloodborne pathogen mandates including (8 CCR 5193):
      (a) Sharps injury log.
      (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).

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).

1014.6 EXPOSURE PREVENTION AND MITIGATION

1014.6.1 GENERAL PRECAUTIONS
All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(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.
Communicable Diseases

(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.

1014.6.2 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).

1014.7 POST EXPOSURE

1014.7.1 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.

1014.7.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1014.7.3 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).
Communicable Diseases

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.

1014.7.4 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).

1014.7.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.
(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

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.
Unscheduled Leave Policy

1015.1 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).

1015.2 EMPLOYEE RESPONSIBILITIES
Unscheduled leave may be used for absences caused by illness, injury, diagnosis, care or treatment for existing health conditions, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee’s immediate family when it is not possible to schedule such appointments during non-working hours.

Unscheduled leave is not considered vacation, and abuse of unscheduled leave may result in discipline and/or denial of unscheduled-leave benefits. Employees on unscheduled leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

1015.2.1 NOTIFICATION
Any employee of this department that cannot report for duty as scheduled due to illness or disability shall notify the on-duty Watch Commander. This notification is normally accepted by dispatch. Texting and email are not acceptable methods of contact. Phone calls shall be made.

The dispatcher receiving the notification shall immediately attempt to connect the employee with on-duty Watch Commander. If the dispatcher is unable to contact the on-duty Watch Commander, the information will be received and forwarded as soon as practical.

In the case of an emergency, every effort should be made to have a representative contact the supervisor. (Labor Code Section 246)

Personnel assigned to units other than Patrol, shall contact their appropriate supervisor for notification. Texting and email are not an acceptable method of contact. Phone calls shall be made.

Notification by an employee of their impending absence shall be made at least two (2) hours prior to the scheduled time for reporting to duty. Exceptions may be made for last minute emergencies. (City of Fontana Personnel Rules and Regulations, Rule XI, 2.4(a))
Unscheduled Leave Policy

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave. (Labor Code Section 246)

1015.3 EXTENDED ILLNESS
Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of unscheduled leave and/or the ability to return to work. The City reserves the right to require the employee to submit a release, indicating any limitations, signed by a treating physician prior to allowing an employee to return to work.

When the Chief, with the concurrence of the Human Resources Director, has a reasonable suspicion that the leave is not being used properly, the employee may be notified that for the next 6-month period the employee will be required to file a physician's certificate or other approved verification with the Human Resources Director stating the cause of absence.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer unscheduled days are taken.

1015.4 SUPERVISOR RESPONSIBILITY
Supervisors should monitor unscheduled leave usage and regularly review the attendance of employees under their command to ensure that the use of unscheduled leave is consistent with this policy. Supervisors should address unscheduled-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of unscheduled leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of unscheduled leave and should consider referring the employee to the Employee Assistance Program.

1015.5 OTHER CONDITIONS
All other conditions relating to unscheduled leave shall be adhered to as stated in the City’s Personnel Rules and Regulations.
Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE
This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Fontana Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY
The Fontana 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).
Personnel Complaints

1020.1 PURPOSE AND SCOPE
This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Fontana Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1020.2 POLICY
The Fontana 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.

1020.3 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.

1020.3.1 COMPLAINT CLASSIFICATIONS
Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the watch commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member. Informal complaints need not be documented on a personnel complaint form. The responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which a supervisor determines that further action is warranted. With the exception of Internal Affairs personnel, complaints should be investigated by a supervisor of rank greater than the accused member. Serious and/or complex investigations should be referred to the Internal Affairs Unit at the direction of the Division Commander.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the
Internal Affairs Lieutenant, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1020.3.2 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.

1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.4.1 COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility or can be requested from a Watch Commander.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.4.2 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 his/her statement at the time it is filed with the department (Penal Code § 832.7).

1020.4.3 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).
1020.5 DOCUMENTATION
Supervisors shall ensure that all formal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented 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. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1020.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.

1020.6.1 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.
   (a) The original complaint form will be directed to the watch 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.
   (b) 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 complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
   (a) 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 watch commander.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the watch commander and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Human Resources Deapartment and the watch commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
Personnel Complaints

(f) A supervisor receiving or initiating any formal complaint shall ensure that a personnel complaint form has been completed as thoroughly as possible. The original complaint form will then be directed to the Watch Commander or Division Commander of the accused employee, via the chain of command. The Watch Commander or the Division Commander will decide on the appropriate action or forward the complaint to the Internal Affairs Unit for further action.

(g) Investigating a complaint as follows:
   1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
   2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(h) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.). For those employees not covered under Government Code 3303, Rule XII Section 6 of the City of Fontana Rules and Regulations will apply.

(i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES
Whether conducted by a supervisor or a member of the Internal Affairs Unit, 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 Fontana 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).

1020.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Table of Contents- Section will include headings and corresponding information from titles listed below.

Location, Time, and Person(s) Involved- If known, this section will include the exact location and time of occurrence. This section will also list the involved parties home or business address along with contact information.

Origin- This section should cover details regarding what led up to the investigation.

Administrative Leave- if applicable, this section will be added to the report. All pertinent Information regarding administrative leave should be included in the section.

Notice of Allegations- This section will list alleged policy violations at the time the internal affairs investigation was initiated.
**Personnel Complaints**

**Investigation**- This section will contain a thorough summary of your investigation, and evidence located. The investigator may choose to add other miscellaneous subheadings in this section for clarification.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Findings**- This section will summarize policy violations and should include examples from the narrative to support the findings.

1020.6.4 DISPOSITIONS
Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded**- 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).

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Inconclusive** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - 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).

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.

1020.6.5 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.

1020.6.6 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.
1020.7 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).

1020.7.1 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

1020.8 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.
(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.

1020.9 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 Chief of Police 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.

1020.10 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.

1020.10.1 DIVISION COMMANDER RESPONSIBILITIES
Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, 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.

1020.10.2 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 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.

(a) 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.
(b) 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.

1020.10.3 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., unfounded, exonerated, inconclusive, sustained) of the complaint (Penal Code § 832.7(f)).

1020.10.4 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)).

1020.11 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.

(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.

1020.12 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 should not serve as grounds for the termination of any pending investigation or discipline.
1020.13 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).

1020.14 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.

1020.15 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.
Seat Belts

1022.1 PURPOSE AND SCOPE
This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1022.1.1 DEFINITIONS
Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1022.2 WEARING OF SAFETY RESTRAINTS
All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.3 TRANSPORTING 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.

1022.4 INOPERABLE SEAT BELTS
Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1022.5 POLICY
It is the policy of the Fontana Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.
1022.6 TRANSPORTING CHILDREN
Children under the age of 8 shall be transported in compliance with California’s child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS
Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1022.8 VEHICLE AIRBAGS
In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.
Body Armor

1024.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY
It is the policy of the Fontana Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 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

1026.1 PURPOSE AND SCOPE
This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY
It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1026.3 DEPARTMENT FILE
The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.
   1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least two years (Government Code § 26202; Government Code § 34090).
   2. Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
   1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
   2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
   3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall
not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES
Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1026.5 TRAINING FILE
An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1026.6 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

(b) Unfounded

(c) Exonerated

Investigation files arising out of civilian’s complaints shall be maintained pursuant to the established records retention schedule and for a period of at least five years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee’s career (Penal Code § 832.5).
Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least two years (Government Code § 26202; Government Code § 34090).

1026.7 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.

1026.8 SECURITY
Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate 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.

1026.8.1 REQUESTS FOR DISCLOSURE
Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

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.
Personnel Records

1026.8.2 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).

1026.9 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.

1026.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS
Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member’s request and the written response from the Department shall be retained with the contested item in the member’s corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:
Personnel Records

(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.

1026.11 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)(2)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
Personnel Records

- 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)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

(a) Records relating to the report, investigation, or findings of:
   1. The discharge of a firearm at another person by an officer.
   2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.

(b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the department or oversight agency regarding:
   1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
   2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the officer. However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

1026.11.1 REDACTION
The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of complainants and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force
Personnel Records

(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)(6)).

1026.11.2 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 records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident where force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until whichever occurs later:

   (a) There is a determination from the investigation whether the use of force violated law or department policy, but no longer than 180 days after the date of the department’s discovery of the use of force or allegation of use of force

   (b) Thirty days after the close of any criminal investigation related to the officer’s use of force

1026.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about use of serious force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(7)).
Request for Change of Assignment

1028.1 PURPOSE AND SCOPE
It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

The term "special assignment" means any assignment that does not involve a promotion or demotion.

1028.2 TYPES OF TRANSFERS AND ASSIGNMENTS

(a) Transfers and assignments for Administrative Reasons:

1. The Chief of Police may select any employee for an organizational assignment, which in his/her opinion will improve the quality of police services and/or best meet organizational needs. Transfers and assignments for administrative reasons are effective solely at the discretion of the Chief of Police.

(b) Transfer for Career Development Reasons:

1. Any employee may request consideration for a transfer for career development reasons (i.e. to expand individual growth through varied or specialized assignments) to any organizational unit of the department wherein their job classification is allocated.

1028.2.1 TRANSFER REQUEST

(a) When special assignment positions become available, the department will circulate a memorandum or e-mail to all eligible employees detailing the position, the period of the assignment, and any special information that may assist the employee in determining whether or not he or she wishes to submit a memorandum of interest for the assignment. Employees who are interested in applying for the advertised special assignment, must submit a memorandum or e-mail of interest to the appropriate division commander.

(b) An employee may request transfer to an organizational unit with preference given to those applicants who have successfully completed their probationary period. An employee may nominate himself/herself by inter-office memorandum or e-mail. The transfer nomination memorandum shall be forwarded through channels to the appropriate Division Commander.

1028.3 TRANSFER SELECTION PROCESS

When a vacancy is anticipated or occurs in an organizational unit, the Division Commander shall advise the Chief of Police of the impending vacancy.
Request for Change of Assignment

The selection process shall include an evaluation of the employee’s memorandum of interest for the special assignment to verify that the employee has met the minimum and/or any special requirements for the special assignment.

A staff evaluation will then be conducted for each applicant. The Division Commander shall consult with the Chief of Police concerning his/her selection for the vacant position. The Chief of Police shall make the final decision.

1028.3.1 REMOVAL FROM SPECIAL ASSIGNMENT
The service in a special assignment is at the pleasure of the Chief of Police, or his designee who may remove persons from such assignment at his sole discretion without such reassignment being considered to be a punitive action.
Commendations and Awards

1030.1 PURPOSE AND SCOPE
Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 POLICY
It is the policy of the Fontana Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1030.3 COMMENDABLE ACTIONS
A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee

1030.3.1 WRITTEN COMMENDATION
The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name and assignment at the date and time of the commendation
(b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate
(c) Signature of the commending supervisor

Completed reports shall be forwarded to the Watch Commander and/or appropriate Division Commander for his/her review. The Watch Commander and/or Division Commander shall sign and forward the report the employee’s supervisor for the employees signature. The report will be filed in the Sergeant's Office for inclusion in the employee's annual evaluation.
Fitness for Duty

1032.1 PURPOSE AND SCOPE
All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1032.2 EMPLOYEE RESPONSIBILITIES
(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES
(a) Such indications include, but are not limited to, the following:

1. One or more civilian complaints, whether generated externally or internally, particularly complaints of the use of unnecessary or excessive force, inappropriate verbal conduct, or any conduct indicating a possible inability to exercise self-control and self-discipline.
2. An abrupt change in customary behavior.
3. Excessive lateness and/or absenteeism.
4. Sleeping on duty.
5. Apparent inattention to personal hygiene.
6. Impatience or loss of temper. A pattern of conduct indicating a possible inability to defuse tense situations and/or a tendency to escalate such situations or to create and/or escalate confrontations.
7. Any other reason giving rise to a concern as to an employee’s fitness to occupy the position of peace officer.
(b) 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. In addition, the supervisor will prepare a memorandum indicating all such circumstances and submit it to the Chief of Police via the chain of command.

(c) 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.

(d) 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.

(e) 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.

(f) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1032.4 NON-WORK RELATED CONDITIONS
Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1032.5 WORK RELATED CONDITIONS
Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with 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. Any physician or psychiatrist to whom an
employee is ordered to report for fitness-for-duty examination and evaluation shall
meet or exceed the minimum standards prescribed by California Government Code
1030(f).

(b) The examining physician or therapist will provide the Department with a report
indicating that the employee is either fit for duty or, if not, listing any functional
limitations which limit the employee's ability to perform job duties (Civil Code § 56.10
(c)(8)(A)). If the employee places his/her condition at issue in any subsequent or
related administrative action/grievance, the examining physician or therapist may be
required to disclose any and all information which is relevant to such proceeding (Civil
Code § 56.10(c)(8)(B)).

(c) In order to facilitate the examination of any employee, the Department will provide
all appropriate documents and available information to assist in the evaluation and/
or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be
part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with
the terms of the order and cooperate fully with the examining physician or therapist
regarding any clinical interview, tests administered or other procedures as directed.
Any failure to comply with such an order and any failure to cooperate with the
examining physician or therapist may be deemed insubordination and shall be subject
to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or
therapist, the employee will be notified to resume his/her duties.

1032.7 LIMITATION ON HOURS WORKED
Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour period) or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between
shifts. Supervisors should give consideration to reasonable rest periods and are authorized to
deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover,
training, court, special events, general overtime and any other work assignments.
Fitness for Duty

It is incumbent upon the employee to notify a supervisor when they have reached, or it appears they may work more than, 16 hours during a 24 hour period.

1032.8 APPEALS
An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.
Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE
This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1034.1.1 MEAL PERIODS
Sworn employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the Dispatch Center prior to taking a meal period (code seven). Code Seven will not be approved in the first (2) hours or the last (1) hour of the officer's shift, unless approved by the on-duty watch commander. Officer will be afforded 15 minutes to reach their code seven destination and 30 minutes for their code seven meal period.

Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

Employees working within the Communications Unit will work a regular workday consisting of 12 hours, which includes a 30-minute meal break. Additionally, dispatchers are allowed two (2) fifteen (15) minute breaks each shift which are combined to their 30 minute meal break for a total of one hour.

Dispatchers may modify their workday as follows:

(a) Dispatchers can work 12 hour days (30 minutes of overtime) if they elect, at shift selection, to attend briefing. End of watch code requires supervisor approval.

For all employees, sworn and non-sworn, the time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 15 MINUTE BREAKS
Each employee is entitled to a 15 minute break, near the midpoint, 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 (2) hours or last (1) hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility are encouraged to remain in or near the police facility for their breaks.

Field officers will 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 only with the knowledge and clearance of the Dispatch Center.

1034.1.3 NUMBER OF UNIFORM PERSONNEL OUT (CODE 7)
Providing there is sufficient available personnel to handle "called for" services, one third (1/3) of the on-duty uniform personnel (including corporals, officers, special teams, CSO's, and traffic)
Meal Periods and Breaks

may take 10-48 or Code-7 at any given time. Sergeants are exempt from the above guidelines and may take 10-48's or Code-7 at their discretion.

No more than three uniformed personnel or two units may be out Code 7 or at 10-48 in the same location unless authorized by a supervisor. (S0-12-01)
Lactation Break Policy

1035.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee’s infant child (Labor Code § 1034).

1035.2 POLICY
It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1035.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee’s regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Dispatch Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee’s work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.
Lactation Break Policy

1035.5 STORAGE OF EXPRESSED MILK
Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

1035.5.1 STATE REQUIREMENTS
Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).
Payroll Record Procedures

1036.1 PURPOSE AND SCOPE
Payroll records are submitted to Administrative Services on a bi-weekly basis for the payment of wages.

1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS
Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1036.1.2 TIME REQUIREMENTS
All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Time sheets shall be completed at the end of the employee’s last shift each payroll period. All time sheets will be submitted to Administrative Services no later than 8:00 a.m. on the Saturday morning following the end of the pay period.
Overtime Compensation Requests

1038.1 PURPOSE AND SCOPE
It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1038.1.1 DEPARTMENT POLICY
Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 480 hours of compensatory time.

1038.1.2 TRAVEL TIME/MILEAGE AND "STAY OVER" TIME
Time spent staying overnight at department sponsored events, does not constitute overtime.

Travel time to and from department-sponsored events generally, constitutes hours worked under the Fair Labor Standards Act. If the employee travels on a day, which would normally be a workday, the hours of travel, which exceed the time, which the employee would normally spend in home-to-work travel, will be counted as hours worked and will be compensated at the appropriate rate of pay. Travel time for travel that keeps an employee away from home overnight also constitutes hours worked. When the employee has been offered public transportation but elects to drive his or her vehicle, the employer may count as hours worked only those hours which would constitute hours worked if public transportation had been used, if that is less than the actual travel time. All such hours of work will be compensated at the rate required by that act.

Every effort will be made to provide employees with a department vehicle to attend training. If an employee opts out of the department vehicle and elects to utilize their personal vehicle for travel to and from a training location, mileage reimbursement will not be granted. In the event a department vehicle is not available, employees will be required to use their personal vehicle. Employees will be compensated for actual mileage traveled at a rate established by I.R.S. guidelines. Employees are
Overtime Compensation Requests

required to submit a request for reimbursement to the Chief of Police through the Administrative Services Division within three days of the return date to work.

When employees have been offered public transportation and elect to drive his or her vehicle, the employee will be compensated for mileage up to the amount of the public transportation.

Employees who are assigned to an off-site location will not receive mileage as the off-site location will be considered their normal place of work for the assignment period.

It is acknowledged that no travel/mileage policy can predict all possible conflicting situations that might arise within the organization, nor can all such conflicts be resolved to everyone's satisfaction. Should conflicts occur that are not addressed by this policy, they shall be referred to the Administrative Services Division Commander for resolution.

1038.2 REQUEST FOR OVERTIME COMPENSATION
Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative Services Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1038.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime).
Vacation, Earned Compensation and Shift Trade Requests

1039.1 PURPOSE AND SCOPE
Employees may request time off of work by taking either vacation or earned compensation hours. Time off can be entered directly by the employee into the scheduling system, or the employee can request the time off through his/her direct supervisor. Shift trades can also be requested in the above manner. All vacation, earned compensation and shift trade requests are to comply with the most current version of the Guide for Leave Scheduling.

1039.1.1 EMPLOYEE RESPONSIBILITIES
Employees requesting time off are responsible for:

(a) Ensuring they have sufficient vacation or earned compensation hours in their account to take time off.

(b) Obtaining supervisor approval or Telestaff approval if applicable prior to taking time off.

(c) Making sure no conflicts exist with the proposed time off and scheduled commitments such as training or served subpoenas. (See Lexipol #348)

(d) Working an assigned shift if the employee's partner in a shift trade fails to report to work.

(e) Making sure the appropriate entries are made on their time sheet.
Outside Employment

1040.1 PURPOSE AND SCOPE
In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1040.1.1 DEFINITIONS
Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1040.2 OBTAINING APPROVAL
No 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)).

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee’s Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.
Outside Employment

If the employee’s appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment permit, an employee’s conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1040.3 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
Outside Employment

1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT
Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

   (a) The applicant will be required to enter into an indemnification agreement prior to approval.

   (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

   (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

      1. The officer(s) shall wear the departmental uniform/identification.
      2. The officer(s) shall be subject to the rules and regulations of this department.
      3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
      4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
      5. Outside security services shall not be subject to the collective bargaining process.
      6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE
Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1040.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the 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.
Outside Employment

1040.4 DEPARTMENT RESOURCES
Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee’s position with this department.

1040.4.1 REVIEW OF FINANCIAL RECORDS
Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1040.6 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 Fontana 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

1042.1 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.

1042.1.1 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.).

1042.2 POLICY
The Fontana Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers’ compensation requirements (Labor Code § 3200 et seq.).

1042.3 RESPONSIBILITIES

1042.3.1 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).

Any member sustaining any minor occupational work-related injury, not requiring immediate medical treatment may complete a Minor Injury Report Memorandum. The memorandum will be submitted to a supervisor and a scar report will be completed by the employee supervisor, in accordance with FPD policy 1042.3. The memorandum and the SCAR will be routed, via the administrative division, to Human Resources. Human Resources will place the documents in the employees secure personnel medical file. This form is not required in the event an employee receives an injury requiring immediate medical attention.

1042.3.2 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 to the Administrative Lieutenant. Any related city wide 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.
1042.3.3 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 Administrative Lieutenant, who will forward it to the city’s risk management entity. The Division Commander should ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made.

1042.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police 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.

1042.4 SETTLEMENT OFFERS
When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1042.4.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the city to determine whether the offered settlement will affect any claim the city may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the city’s right of subrogation, while ensuring that the member’s right to receive compensation is not affected.
Personal Appearance Standards

1044.1 PURPOSE AND SCOPE
In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS
Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR
Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES
A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR
Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

1044.2.5 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1044.2.6 JEWELRY
For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.
Personal Appearance Standards

(a) Necklaces shall not be visible above the shirt collar.
(b) Earrings shall be small and worn only in or on the earlobe.
(c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
(e) Wristwatches shall be conservative and present a professional image.
(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1044.3 TATTOOS
While on-duty or representing the department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language.

1044.3.1 DEFINITIONS
Tattoo - The permanent or temporary insertion of ink or other pigments on or below the surface of the skin.
Scarification - The intentional act of cutting the skin to create a design resulting from the scar of the intentionally created wound.
Branding - The intentional burning of the skin to create a design resulting from the scar of the burn.
Religion or Religious Creed - Includes any traditionally recognized religion as well as beliefs, observances, or practices which an individual sincerely holds and which occupy in his or her life a place of importance parallel to that of traditionally recognized religions.
Religious Dress Practice - Includes the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of the observance by an individual of his or her Religion or Religious Creed.
Religious Grooming Practice - Includes all forms of head, facial, and body hair that are part of the observance by and individual of his or her Religion or Religious Creed.

1044.4 BODY PIERCING OR ALTERATION
Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.
Personal Appearance Standards

(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.

1044.5 EXEMPTIONS AND ACCOMMODATIONS TO PERSONAL APPEARANCE STANDARDS

Employees assigned to specialized units that conduct undercover operations on a routine basis, such as the Narcotic Unit, SANCATT or other similar units are exempt from the requirements contained in this general order. However, in regards to tattoos and other body markings, the markings must be in good taste. In addition, the Chief of Police shall have final decision on what is, or is not appropriate exceptions to the department's personal appearance standards (§§1044.1 et seq.).

The department recognizes the importance of sincerely held religious beliefs to persons within its workforce. Should an employee's religious dress practice or religious grooming practice conflict with the provisions of the department's personal appearance standards (§§ 1044.1 et seq.), said employee should inform his or her Unit Supervisor and request an accommodation.

The department, via the Chief of Police, will reasonably accommodate said religious dress practice or religious grooming practice unless the accommodation creates an undue hardship on the operation of the department or poses a safety hazard. In determining whether an employee's request for accommodation would constitute an undue burden, the Chief of Police shall determine whether the accommodation would require significant difficulty or expense when considered in light of the nature and cost of the requested accommodation, the safety risks posed by the requested accommodation, the department's size, budget, number of employees, overall financial resources and the structure and composition of the workforce at the time the request for accommodation is made.

If the employee's accommodation request gives insufficient information, the Chief of Police shall be permitted to make a limited inquiry into whether the accommodation request reflects a religious dress practice or religious grooming practice that requires accommodation.

1044.6 INAPPROPRIATE ATTIRE WORN TO WORK

In the event that inappropriate attire is worn to work, the employee will be asked to leave the work place and promptly return to work in the appropriate attire. The amount of time missed from work will be deducted from the Employee's personal leave or will be leave without pay.

1044.7 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
Personal Appearance Standards

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

1046.1 PURPOSE AND SCOPE
The uniform policy of the Fontana Police Department is established to ensure uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Uniformed officers performing patrol duties (duties which have the potential of being hazardous) are required to wear body armor. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property
Section 1024 - Body Armor
Section 1044 - Grooming Standards

This document will describe the authorized duty wear for the various assignments and ranks within the organization. All clothing is to be clean, in good repair, neatly pressed and shall be of the size and fit to give a business-like professional appearance. Any failure to abide by the requirements in this document shall be cause for a supervisor to order immediate remedy and may result in discipline.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT
Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are 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.

(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 unless driving a department vehicle.

(i) Mirrored sunglasses will not be worn with any Department uniform.
Uniform Regulations

(j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or his designee.

1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet

(k) While on active duty, with exception to those officers who are assigned to station duties, officers who are required to wear the specified uniform shall always carry, as full equipment, the following:
1. Approved firearm and ammunition, and the equivalent to two (2) reloads
2. Flashlight
3. Handcuffs
4. Black pen or pencil
5. Valid California driver's license

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION
The Department issues each employee an official department identification card bearing the employee’s name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

   a. Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

   b. Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1046.2.2 DUPLICATION EMBLEMS OR ORNAMENTS PROHIBITED
Employees of the department are prohibited from having any official department emblem or uniform ornament duplicated, without permission of the Chief of Police

1046.3 UNIFORM CLASSES
The Class A uniform is to be worn on special occasions such as funerals,graduations, ceremonies or as directed by staff. The Class A uniform is required for all sworn and uniformed (CSO, CPT, ASO, FET) civilian personnel. The Class A uniform includes the standard issue uniform with:

   a. Long sleeve with tie
       1. Shirts shall be navy blue with epaulets and flap pockets (LAPD styling)
2. Sworn officers shall wear their department issued metal badge above the pocket on the left chest.

3. When shirt is worn with the dress jacket, the tie and tie bar shall be worn.

4. Ties shall be black with a silver tie bar.
   i. Ties shall be a black snap-on tie of at least 11” in length and 2” to 3” in width.
   ii. Tie bar shall be brushed silver, plain, without ornamentation, and shall be worn parallel to shirt pocket buttons.

b. All shirts shall be worn with department-approved patches on each shoulder.

c. Sergeant and corporal stripes shall be:
   1. Located ¼” below each shoulder patch.
   2. Silver chevrons with black background and outside border.

d. Hash marks shall be:
   1. One hash mark for each five (5) years of service with any police department as a full-time sworn officer.
      i. Service hash marks may be placed on uniforms six (6) months prior to five (5) year date.
   2. Service hash marks shall be worn on all dress jackets. Wearing of hash marks on long sleeve shirts shall be optional and at the discretion of the officer.
   3. Dress Jacket - Hash Mark Positioning - Lieutenants and above:
      i. Lieutenants and above shall affix hash mark(s) on left sleeve
      ii. ¾ “above piping, moving away from the piping at a 45 degree angle.
   4. Dress Jacket - Hash Mark Positioning- Sergeants and below:
      i. Shall be worn on left sleeve ½ ” above top cuff seam, moving away from the cuff seam at a 45 degree angle.
      ii. Shall be silver and worn on the left sleeve.

e. Nameplates of departmental issue shall be:
   1. The nameplate 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 nameplate to the outer edge of the pocket.
   2. The nameplate shall be worn just above and centered over right shirt pocket with the lower edge to be touching the top seam.
   3. 3/8" wide by 2 ¼" long, brushed silver metal with black lettering.
   4. Contain officer’s first name initial and full last name, in that order.
Uniform Regulations

f. Uniform Pants
   1. Pants will be the standard LAPD style, navy blue in color.
   2. Sap pockets optional.

   g. Footwear
      1. Shoes or boots will be black with a round plain toe.
      2. Footwear shall be polished and clean at all times when worn.
      3. Boots with pointed toes are not permitted.

   h. Dress Jacket ("IKE" Jacket Class A)
      1. Navy blue, CHP style, with fly front and concealed zipper.
      2. Chest pockets, usable, and fastened at outer points by hidden snaps.
      3. Buttons to be 5/8” "P" type, silver in color.
      4. Five buttons to be located on the front fly and one each on shoulder epaulets.
      5. No waist adjustment side straps will be authorized.
      6. Patches are to be affixed to each shoulder ½” below top seam of sleeve.

   i. Piping
      1. No piping on sleeves below the rank of corporal.
      2. Sergeants and corporals will wear 5/8” dark blue piping with silver borders.
      3. Lieutenants and above will wear 5/8” solid silver piping.
      4. Bottom edge of piping positioned 3” above cuff.

   j. Dress Cap
      1. Each officer will have available a navy blue soft dress cap with a short, black, plastic visor of high polish.
      2. Visors on caps of staff members holding the rank of lieutenant and above shall have affixed the appropriate silver colored ornamental bullion (see attached guide).
      3. A silver stretch metal band secured with two silver "P" buttons shall be worn above the visor on the cap by sergeants and below.
      4. A silver cloth band ½” in width secured with 2 silver "P" buttons shall be worn above the visor of the cap for staff members of the rank of lieutenant and above.
Uniform Regulations

5. Department issued cap insignia piece shall be worn in front and centered.

6. Hats need not be worn but must be maintained in a serviceable condition for inspections, parades, and other special occasions or by direction of the Chief of Police and/or their designee.

k. Rank and Special Assignment Insignia

1. CHIEF OF POLICE
   i. The four stars of the Chief of Police shall be metal and silver, with clutch fasteners.
   ii. Dress jacket: They shall be worn on each shoulder strap, centered and parallel to the stitching.
   iii. Class A shirt: They shall be worn on each collar, parallel and next to the stitching on the outer edge of the collar.

2. CAPTAINS
   i. Class A uniform shall exhibit two plain metal bars, silver in color, of two types:
   ii. Dress jacket- 3/8" wide and 1" long with clutch fasteners. They shall be worn in the center of the cross-stitching of each shoulder strap of the jacket, positioned vertically from front to back.
   iii. Shirts- ¼" wide and 1" long with clutch fasteners. They shall be worn centered on the collar, parallel and next to the collar stitching on the front or inner edge.

3. LIEUTENANTS
   i. Shall wear one plain flat silver metal bar, of the same type and size as that of the captain.
   ii. The placement of the bar is also the same as that of the captain.

4. SERGEANT AND CORPORAL CLOTH CHEVRONS
   i. Chevrons will be centered ¼" below the police patch.
   ii. Chevrons shall be silver with black background and outside border.

5. FIELD TRAINING OFFICER CLOTH CHEVRONS
   i. A single chevron will be centered 1/4" below the police patch.
   ii. Chevrons shall be silver with black background and outside border.

1046.3.1 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
   a. Long or short sleeve shirt may be worn with the collar open without a tie.
**Uniform Regulations**

b. The short sleeve or long sleeve shirt may be worn for normal duty throughout the year at the officer’s discretion.

c. A white, navy blue or black crew neck t-shirt must be worn with the uniform.

d. All shirt buttons must remain buttoned except for the last button at the neck.

e. Shoes for the Class B uniform may be as described in the Class A uniform.

f. All black unpolished shoes may be worn with supervisor approval.

**CLASS B UNIFORM - WORK JACKET**

a. All black nylon with zippered front, two square pockets on front. Shoulder patches and badge shall be affixed in the same manner as uniform shirts. Sergeants, corporals and FTO’s shall wear the appropriate chevrons on both sleeves. A cloth badge may be worn in place of the metal badge.

b. A cloth name tag shall be worn above and centered with the right pocket. The nametag shall consist of the officer’s first name initial followed by a period and full last name. The cloth strip upon which the custom embroidered lettering will be sewn, will measure 1¼” high with the width (left to right) being proportionate in length with the number of letters in the name and allowing ½” in front of the first letter and following the last letter. The cloth strip, upon which the letters are sewn, will be of a material compatible with the jacket material and of the same color. The embroidered block (Roman Gothic) letters shall be sewn of silver thread, letters measuring ½” high, ¼” wide. The period following the first name initial shall be a 1/16” silver sewn dot. Jackets may have “POLICE” printed on the back in white block lettering.

**1046.3.2 CLASS C UNIFORM**

During daylight savings time officers may elect to wear Class C uniform which will be comprised of the following:

a. Shirt - 5.11 or Under Armour polo shirt black in color
   
   1. Short sleeve
   
      i. Cloth badge on left chest
   
      ii. Embroidered name tape on right chest with officer’s first initial and last name in ½” block lettering, white in color.
   
      iii. Fontana Police Department patches on left and right shoulder
   
      iv. Command Staff personnel holding the rank of lieutenant or above may, as an option, embroider their rank insignia on the collar so long as it is similar in style to the standard pin-on rank insignia.

   2. Long sleeve
Uniform Regulations

b. Pants- 5.11 pants will be black in color. Pants shall not be bloused

c. Black work shoes or boots

d. Dress belt

e. Sam Brown leather gear or authorized web gear. Web gear shall be maintained in good condition and not show signs of wear, fraying, folding or fading.

1046.4 CLASS D UNIFORM
Class D uniforms may be worn year round as an alternative duty uniform to the class B and class C uniform. The class D uniform will NOT replace a class B uniform. All officers will possess and maintain a serviceable Class B uniform at all times. The Class D uniform should be worn for patrol operations and not worn for events or appearances in place of when the Class A or B uniform would be more appropriate. There are two options for the outer vest/base layer combo, the Blauer Armor Skin and the Elbeco V2.

(a) Blauer Vest Model: 8470-1 Armor Skin
   1. Poly wool, flat front pocket
   2. Navy blue
   3. Metal badge on left chest
   4. Nameplates worn as described in Lexipol 1046.3(e)

(b) Elbeco Body Shield V3114B
   1. Poly wool, flat front pocket
   2. Navy blue
   3. Metal badge on left chest
   4. Nameplates as described in lexipol 1046.3(e)

(c) Blauer base layer under shirt
   1. Short sleeve MDL 8472 or long sleeve MDL 8471
   2. Navy blue
   3. Cloth badge on left chest
   4. Fontana Police Department patches on left and right shoulder

(d) Elbeco UV1 Distinction undershirt
   1. Short sleeve SS-UVS152 or long sleeve LS-UVS151
   2. Navy blue
   3. Cloth badge on left chest
   4. Fontana Police Department patches on left and right shoulder
Uniform Regulations

(e) Blauer pants-regular police style uniform pants MDL-8560
   1. Navy blue
(f) Elbeco pants- Distinction MDL E454R mens or E9454LC womens
   1. Navy blue
(g) Black work boots or shoes
(h) Dress belt

Sam brown leather gear or authorized web gear. Web gear shall be maintained in good condition and not show signs of wear, fraying, folding or fading.

* If wearing Blauer or Elbeco the vest, undershirt and pants must be the same brand.

** Outer vests MUST be sized by professional uniform tailor/salesman for a perfect fit. Outer vests should fit and appear to others as if you are wearing a regular style police uniform.

1046.5 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments. (See Uniform and Equipment Specifications attachment)

1046.6 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1046.7 INSIGNIA AND PATCHES
a. Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

b. Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

c. Pins and Medals- See Uniform and Equipment Specifications attachment

1046.7.1 MOURNING BADGE
Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.
Uniform Regulations

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
(e) As directed by the Chief of Police.

1046.8 CIVILIAN ATTIRE
See Uniform & Equipment Specifications Manual

1046.9 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS
Unless specifically authorized by the Chief of Police, Fontana 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 Fontana Police Department to do any of the following (Government Code §§ 3206 and 3302):

a. Endorse, support, oppose, or contradict any political campaign or initiative.

b. Endorse, support, oppose, or contradict any social issue, cause, or religion.

c. Endorse, support, or oppose, any product, service, company or other commercial entity.

d. Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1046.10 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

a. Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

b. Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

c. Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Policy Manual § 700).

1046.10.1 RETIREE BADGES
The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Fontana Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.
Uniform Regulations

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words “Honorably Retired” clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Fontana Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1046.11 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES
Fontana 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.

Fontana Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

See attachment: Uniform Equipt Specs Maunal 03-14-18 FINAL.pdf
Police Cadets

1048.1 PURPOSE AND SCOPE
Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1048.2 EDUCATION REQUIREMENTS
Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete nine (9) semester units of college course work per semester.

1048.3 PROGRAM COORDINATOR
The Training Manager or other administration sergeant will serve as the Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

1048.3.1 PROGRAM ADVISORS
The Program Coordinator may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

1048.4 ORIENTATION AND TRAINING
Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1048.5 CADET UNIFORMS
Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for non-sworn employees.
Police Cadets

1048.6  ROTATION OF ASSIGNMENTS
Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Program Coordinator.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

1048.7  RIDE-ALONG PROCEDURES
All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

1048.8  PERFORMANCE EVALUATIONS
Performance evaluations for all cadets shall be completed each six months until they successfully complete probation. Upon successful completion of probation, cadets will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.
Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee’s annual interest, compensation, investment or obligation is greater than $250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee’s action, inaction or decisions are or may be influenced by the employee’s personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

**Relative** - An employee’s parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS
The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
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 until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.
1050.2.2 SUPERVISOR’S RESPONSIBILITY
Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.
Facility Security and Identification

1051.1 PURPOSE AND SCOPE
This policy is to establish guidelines for the security of the Police facility and proper identification for department personnel, city employees and visitors. Security of the police facility is essential and a responsibility of every employee. Personnel shall identify and report any observed security deficiencies. Building perimeter doors, with the exception of the main entrance doors, shall remain closed and locked at all times. The wearing of Building Identification Passes by visitors, the wearing of City of Fontana I.D. cards by employees of other city departments while in the police facility and the wearing of I.D. or badge by Police Department personnel will provide security within the police facility, control of persons allowed in nonpublic areas and allow for visible identification.

1051.1.1 WATCH COMMANDER'S RESPONSIBILITIES
The Watch Commander shall have overall responsibility for facility security. The Watch Commanders normal duties during a shift shall include:

- Inspecting the facility to assure security
- Causing the correction of any identified security problems

1051.1.2 FRONT DESK OFFICER'S RESPONSIBILITIES
The Front Desk Officer shall:

- Issue and recover security passes to all unescorted private maintenance or service personnel and to all escorted visitors.
- Maintain the Station Security Log.
- Prior to going off-duty at night, secure the front lobby doors and all front counter equipment.

1051.1.3 RESPONSIBILITY OF ALL EMPLOYEES
It is the responsibility of every employee to:

(a) Contact and take appropriate action when observing any person who is in a nonpublic area of the police facility who is:

1. Unescorted and without a Building Identification Pass, or
2. Engaged in any questionable activity, or
3. Entering the building through an entrance other than the front door.

(b) Contact and take appropriate action with any unfamiliar person walking or driving in the posted "Restricted" parking areas

(c) Immediately notify the Watch Commander of any situation which may be a security risk.
Facility Security and Identification

(d) Not provide the department door access code or key to any non-Police department personnel unless previously authorized by the Chief of Police or his designee.

1051.2 POLICE FACILITY ACCESS BY THE GENERAL PUBLIC
Access to the police facility shall be provided to persons wishing to conduct business with the Department. However, because of the sensitive nature of police operations, public access to the following areas is prohibited without authorization from the Watch Commander:

- Records Unit
- Dispatch
- Property Room
- Jail
- FET work area
- Gang Unit
- Narcotics Office
- Range facility

Individuals from the general public shall sign the security log and obtain a Building Identification Pass before being escorted by a department employee.

1051.2.1 POLICE FACILITY ACCESS BY MAINTENANCE PERSONNEL
Unescorted private maintenance personnel or vendors shall display Building Identification Passes and sign the security log prior to entering non-public areas of the police facility. They shall make entry through the front doors of the facility.

1051.2.2 POLICE FACILITY ACCESS BY CITY OF FONTANA EMPLOYEES
Unescorted City of Fontana employees shall display City of Fontana I.D. cards and sign the security log prior to entering and exiting non-public areas of the police facility. They shall make entry and exit through the front doors of the facility.

1051.3 GUEST IDENTIFICATION
The Building Identification Pass will be issued by personnel assigned to the lobby counter to all guests who enter beyond the front lobby area. The Building Identification Pass will be issued regardless if the guest is being escorted by an employee. Keys or any item of identification will be taken from the guest to ensure the return of the pass. The pass will be removed from its storage pod and the property put in its place. The guest will sign in on a log, which will be maintained at the front counter. All guests will obtain and wear the pass in a visible location while within the police facility. Other police department badges and/or I.D. will be honored in lieu of an Identification Pass, if the badge or I.D. is visible.
Facility Security and Identification

1051.3.1 CITY OF FONTANA EMPLOYEES OTHER THAN POLICE DEPARTMENT PERSONNEL
City of Fontana employee identification will be honored in lieu of a Building Identification Pass.

1051.3.2 POLICE DEPARTMENT PERSONNEL
Police Department personnel will, while in the police facility, wear employee identification, police uniform, or police badge.
Department Badges

**1052.1 PURPOSE AND SCOPE**
The Fontana Police Department badge and uniform patch as well as the likeness of these items and the name of the Fontana Police Department are property of the Department and their use shall be restricted as set forth in this policy.

**1052.2 POLICY**
The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

**1052.2.1 FLAT BADGE**
Sworn officers are issued a Department 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) The flat badge is the property of the department and will be returned upon request or separation from employment.

(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) An honorably retired officer will be issued a retirement flat badge at the discretion of the Chief of Police.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

**1052.2.2 NON-SWORN PERSONNEL**
Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.
1052.2.3   RETIREE UNIFORM BADGE
Upon honorable service retirement employees may elect to purchase his/her assigned duty badge for display purposes. In such a case, the department will have the badge encased in Lucite or other similar material prior to presenting it to the retiree. 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.

1052.3   UNAUTHORIZED USE
Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4   PERMITTED USE BY EMPLOYEE GROUPS
The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Fontana Police Department. The following modifications shall be included:
   1. The text on the upper and lower ribbons is replaced with the name of the employee association.
   2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.
Transitional (Light) Duty Assignments

1054.1 PURPOSE AND SCOPE
To set forth conditions and policy controlling the assignment of personnel to transitional duty status within the Police department. Transitional duty assignments provide temporary, alternative work for up to ninety (90) days from the time of the initial injury, illness, or disability.

1054.2 ELIGIBLE PERSONNEL
For purposes of this policy, any full time employee of this department suffering from an injury or disability who is temporarily unable to perform their regular assignments without restrictions will be considered for a transitional duty assignment.

1054.3 GENERAL PROVISIONS
(a) The department’s ability to provide transitional duty assignment positions is very limited. Therefore:
   1. Personnel injured or disabled in the line of duty will be given preference in receiving transitional duty assignment positions over personnel injured in an off duty event.
   2. Assignments may be changed at any time, if deemed in the best interest of the employee or agency.
   3. Transitional duty assignments are granted at the convenience of the department and may be discontinued without advance notice.
(b) This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, California Family Rights Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state law.
(c) Transitional duty assignments shall not affect an employee’s pay classification, pay increases, promotions, retirement benefits, or other regular employee benefits. Employees assigned to transitional duty assignments shall not be compensated for on call or standby pay unless they remain subject to call out in their light duty capacity.
(d) There are no permanent transitional duty assignments, nor shall any existing position be designated or utilized exclusively for personnel on a transitional duty assignment.
(e) Transitional duty assignments are strictly temporary and will be reevaluated every 90 days. One 90 day extension may be granted upon a written request and may be granted at the sole discretion of the Chief of Police. Normally transitional duty assignments will only be granted with a specific and definitive prognosis for return to normal duty.
Transitional (Light) Duty Assignments

(f) Employees on transitional duty assignment are prohibited from engaging in any form of outside employment or recreational activity that may reasonably exceed the limitations used as the basis for their transitional duty assignment.

(g) Depending upon the nature and extent of the disability, an officer on transitional duty assignment may be prohibited or restricted from wearing the departmental uniform, carrying a service weapon or otherwise limited in employing police powers as determined by the Chief of Police.

(h) Transitional duty assignments shall not be made for disciplinary purposes.

1054.4 TEMPORARY TRANSITIONAL (LIGHT) DUTY ASSIGNMENTS
Transitional duty assignments shall be considered on a case-by-case basis and such assignments shall be made at the convenience of the Chief of Police, keeping the best interests of the department in mind. Transitional duty assignments are for personnel in this department who, because of injury, illness or disability have temporary restrictions placed on them by a licensed physician.

Personnel not assigned to patrol may continue to perform their assigned duties if their work restrictions do not conflict with their assigned duties. The decision to allow personnel to remain in their assigned duty will be made by the Division Commander or his/her designee. If left in their current assignment, the employee will still be considered as working in light duty status and subject to the transitional duty assignments policy (1054) and specifically 1054.3 (e).

Although the Chief of Police or designee will ultimately determine where personnel will be assigned, sworn personnel assigned to uniform functions such as patrol, traffic, MET, or bikes may be assigned to one of the following positions.

(a) The following are positions that will be considered for transitional duty based on the restrictions of the employee. These positions will be provided on a first come first serve basis with preference being given to employees who have restrictions caused by a work related injury/illness.

1. Front Desk (2)
2. Traffic Counter
3. Records Phone Console
4. Live Scan Room
5. Dispatch (Must be qualified as a dispatcher or call-taker)
6. Report Review (2) (Only available to sworn employees Corporal rank and above) (S012-12)
7. Administrative Division

(b) Transitional duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills, and abilities coupled with the limitations imposed on the employee.
Transitional (Light) Duty Assignments

(c) An employee’s assignment will be paid at their normal rate of compensation. Every effort shall be made to assign employees to positions consistent with their rank and pay classification. Personnel may be assigned to positions designated for personnel of a lower rank or pay classification.

1054.4.1 REQUESTS FOR ASSIGNMENT TO TRANSITIONAL (LIGHT) DUTY ASSIGNMENT

(a) Employees with a physician's notice of limitations caused by an injury, illness, or disability shall submit it to their division commander.

1. The employee may be required to submit to an independent medical examination by a physician of the City's choosing.

2. Failure or refusal to provide satisfactory medical documentation in support of the injury, illness, or disability shall be sufficient grounds for denial or termination of the transitional duty assignment.

(b) An employee who is unable to work due to an injury, illness, or disability and has not requested transitional duty assignment may be recommended for such assignment by the Chief of Police or the Human Resources Director.

1054.4.2 ACCOUNTABILITY

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

(c) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1054.4.3 MEDICAL EXAMINATIONS
The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.
Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1054.5 PREGNANCY
It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities. For the purposes of this policy, pregnancy is excluded from the 90 day rule and employees do not need to submit an extension for light duty assignments.

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.

1054.5.1 EMPLOYEE RESPONSIBILITIES
The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1054.5.2 SUPERVISOR'S RESPONSIBILITY
Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee’s health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules and Regulations regarding family and medical care leave.

1054.6 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.
Transitional (Light) Duty Assignments

1054.7 PREGNANCY
If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee’s right to a temporary modified-duty assignment if required under Government Code § 12945.
Employee Speech, Expression and Social Networking

1056.1 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.

1056.1.1 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, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1056.2 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 Fontana 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.

1056.3 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 Fontana 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:
Employee Speech, Expression and Social Networking

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1056.4 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 Fontana 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 Fontana Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Fontana 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 transports 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 Fontana 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 Chief of Police 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).

1056.4.1 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 Fontana Police Department or identify themselves in any way that could be reasonably perceived as representing the Fontana 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 Fontana Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).
Employee Speech, Expression and Social Networking

1056.5 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).

1056.6 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.

1056.7 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.
Uniform Equipt Specs Maunal 03-14-18 FINAL.pdf
# HATE CRIME CHECKLIST

**Victim Type:**
- Individual
  - Legal name (Last, First):
  - Other Names used (AKA):
- School, business or organization
  - Name:
  - Type: (e.g., non-profit, private, public school)
  - Address:
- Faith-based organization
  - Name:
  - Faith:
  - Address:

**Target of Crime (Check all that apply):**
- Person
- Private property
- Public property
- Other

**Nature of Crime (Check all that apply):**
- Bodily injury
- Threat of violence
- Property damage
- Other crime:

**Property damage - estimated value**

---

**Type of Bias (Check all characteristics that apply):**
- Disability
- Gender
- Gender identity/expression
- Sexual orientation
- Race
- Ethnicity
- Nationality
- Religion
- Significant day of offense (e.g., 9/11, holy days)
- Other:
  - Specify disability (be specific):

**Actual or Perceived Bias – Victim’s Statement:**
- Actual bias [Victim actually has the indicated characteristic(s)].
- Perceived bias [Suspect believed victim had the indicated characteristic(s)].
  - If perceived, explain the circumstances in narrative portion of Report.

**Reason for Bias:**
- Do you feel you were targeted based on one of these characteristics?
  - Yes
  - No
  - Explain in narrative portion of Report.
- Do you know what motivated the suspect to commit this crime?
  - Yes
  - No
  - Explain in narrative portion of Report.
- Do you feel you were targeted because you associated yourself with an individual or a group?
  - Yes
  - No
  - Explain in narrative portion of Report.
- Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
  - Yes
  - No
  - Describe in narrative portion of Report.
- Are there Indicators the suspect is affiliated with a criminal street gang?
  - Yes
  - No
  - Describe in narrative portion of Report.

**Bias Indicators (Check all that apply):**
- Hate speech
- Acts/gestures
- Property damage
- Symbol used
- Written/electronic communication
- Graffiti/spray paint
- Other:

  *Describe with exact detail in narrative portion of Report.*

---

**Relationship Between Suspect & Victim:**
- Suspect known to victim?
  - Yes
  - No
- Nature of relationship:
- Length of relationship:

  *If Yes, describe in narrative portion of Report*

**HISTORY**
- Prior reported incidents with suspect? Total #
- Prior unreported incidents with suspect? Total #
- Restraining orders?
  - Yes
  - No

  *If Yes, describe in narrative portion of Report*
- Type of order:
  - Order/Case#

---

**WEAPONS**
- Weapon(s) used during incident?
  - Yes
  - No
  - Type:
- Weapon(s) booked as evidence?
  - Yes
  - No

**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

<table>
<thead>
<tr>
<th>Evidence</th>
<th>Witnesses present during incident?</th>
<th>Yes</th>
<th>No</th>
<th>Statements taken?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Evidence collected?</td>
<td>Yes</td>
<td>No</td>
<td>Recordings:</td>
<td>Video</td>
<td>Audio</td>
</tr>
<tr>
<td></td>
<td>Photos taken?</td>
<td>Yes</td>
<td>No</td>
<td>Suspect identified:</td>
<td>Field ID</td>
<td>By photo</td>
</tr>
<tr>
<td></td>
<td>Total # of photos:</td>
<td>D#:</td>
<td></td>
<td></td>
<td>Known to victim</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Taken by:</td>
<td>Serial #:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### VICTIM

<table>
<thead>
<tr>
<th>Observations</th>
<th>Tattoos</th>
<th>Shaking</th>
<th>Unresponsive</th>
<th>Crying</th>
<th>Scared</th>
<th>Angry</th>
<th>Fearful</th>
<th>Calm</th>
<th>Agitated</th>
<th>Nervous</th>
<th>Threatening</th>
<th>Apologetic</th>
<th>Other observations:</th>
</tr>
</thead>
</table>

### SUSPECT

<table>
<thead>
<tr>
<th>Observations</th>
<th>Tattoos</th>
<th>Shaking</th>
<th>Unresponsive</th>
<th>Crying</th>
<th>Scared</th>
<th>Angry</th>
<th>Fearful</th>
<th>Calm</th>
<th>Agitated</th>
<th>Nervous</th>
<th>Threatening</th>
<th>Apologetic</th>
<th>Other observations:</th>
</tr>
</thead>
</table>

### 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

### Resources offered at scene:

- Yes No Type:

### MEDICAL

<table>
<thead>
<tr>
<th>Victim</th>
<th>Suspect</th>
<th>Paramedics at scene?</th>
<th>Yes No Unit #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Declined medical treatment</td>
<td></td>
<td>Name(s)/ID #:</td>
<td></td>
</tr>
<tr>
<td>Will seek own medical treatment</td>
<td></td>
<td>Hospital:</td>
<td></td>
</tr>
<tr>
<td>Received medical treatment</td>
<td></td>
<td>Jail Dispensary:</td>
<td></td>
</tr>
<tr>
<td>Authorization to Release Medical Information, Form 05.03.00, signed?</td>
<td></td>
<td>Physician/Doctor:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes No</td>
<td>Patient #:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Officer (Name/Rank)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

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<tr>
<th>Officer (Name/Rank)</th>
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<tbody>
<tr>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Supervisor Approving (Name/Rank)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

POST 05/19
COUNTY PURSUIT MOU.pdf
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.
Uniform Equipment Specs.pdf
Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf
UNIFORMS SPECIFICATIONS FOR DEPARTMENT POSITIONS

The duty uniforms for uniformed and non-uniformed personnel shall consist of the following:

Sworn Uniformed Personnel
Aviation Officer Uniform
Bicycle Officer Uniform
Canine Officer Uniform
Commercial Enforcement Officer Uniform
Motor Officer Dress Uniform
Motor Officer Duty Uniform
IVS Uniform
Honor Guard
Safety and other related equipment
Pins & Medals

Civilian Uniformed Personnel
FET Uniform
ASO Uniform
CSO/CPT Uniform
Code Enforcement Uniform
Explorer Uniform
Volunteer Uniform
Chaplain Uniform

Professional Staff Attire
Sworn business attire
Non-Sworn business attire
AVIATION UNIFORM

Designated Uniform Equipment for the Air Support Unit Flight Officer:

ASU Tactical Flight Officer shall be appropriately attired in the specified uniform at all times during on-duty hours.

I. Flight Suit-"Nomex"- Color Sage Green
   a. Subdued cloth badge patch green/black shall be attached to the left chest.
   b. Subdued shoulder patches green/black shall be attached to the left and right shoulders.
   c. Subdued shoulder rank patch shall be attached to the left and right side of the shoulders below the department shoulder patch.

II. Boots- black leather

III. Gloves "Nomex"- sage green with leather palm (Shall be constructed of fire retardant material that meets or exceeds the standards of Nomex 2 or 3)

IV. Nameplate- black leather patch with silver lettering
   a. 2" x 4" leather name tag with Velcro backing shall be worn on the right chest
   b. The name tag shall be black with silver lettering and design
   c. A set of silver police wings with miniature F.P.D. badge made by the Sun Badge Company may be worn on the nametag in-lieu of the embossed silver wings (These wings may also be worn while in class A or B uniform. The wings shall be centered above the nameplate)
   d. Officer’s name and rank shall be underneath the wings (Example: OFCR. R. DOE). Under the name shall be the words "FONTANA POLICE."

V. Firearm-Fontana Police Department Lexipol Policy #312.1

VI. Approved Holster and Belt Gear Lexipol Policy #312.3.2

VII. Department issued white Gentex or MSA helicopter safety helmet (helmets will be worn by all Air Support Unit personnel when operating department aircraft).

VIII. All items of personally assigned equipment shall remain the property of the Air Support Unit and returned to the ASU supervisor upon transfer from the Unit.

IX. Items of personal clothing, such as flight suits and jackets, may become the property of the employee at the termination of permanent assignment at the discretion of the ASU Supervisor.

X. The ASU Supervisor shall examine flight suits and other such issued items, as unit safety equipment, and retain such equipment for unit use

Revised 03/13/18
if it is in such a condition that the retention of the equipment would benefit the unit.

XI. Flight Jacket- “Nomex”- Color Sage Green
   a. Shall be Sage Green
   b. Shall be constructed of fire retardant material that meets or exceeds the standards of Nomex 2 or 3.
   c. CWU-45/P Nomex winter jacket or CWU-36/P Nomex summer jacket. Zipper sleeve pocket.
   d. Two Velcro flap pockets and inside map pocket. 2” x 4” sage green Velcro on the right chest.
   e. A black leather name tag as specified previously shall be worn on the right chest.

BICYCLE PATROL UNIFORM
I. Black stretch bicycle shorts or pants
II. Black shirt- Under Armour Tactical polo with collar.
   a. Shirt will have "POLICE" in 2 ¾"reflective silver block letters on rear.
   b. Bike Patrol" shall be embroidered in block .60" silver letters in an arch on the front upper right side of the shirt.
   c. The officer's first initial and last name shall be centered ¼” below "Bike Patrol" utilizing the above described lettering.
   d. Department patches shall be worn on each shoulder ¼ " below top shoulder seam.
   e. A department approved cloth badge shall be worn in place of the metal badge on the left side of the shirt.
III. Black tennis shoes or black bicycle shoes.
IV. Black socks, sport height
V. Black department issued safety helmet.
VI. Department issued safety glasses (lanyards are permitted)
VII. Black bicyclist jacket
   a. “Ocean Model 60-40"
   b. Shall have "Police" on the back
      i. Reflective silver block letters
      ii. 2 ½” in height

CANINE UNIFORM
During daylight savings time, canine officers will wear the following uniform.

I. Black Shirt- 5.11 or Under Armour polo shirt
   a. Short sleeve
      i. Cloth badge on left chest
ii. Embroidered name tape on right chest with officer’s first initial and last name  
iii. Fontana Police Department patches on left and right shoulder

b. Long sleeve

II. Black Pants - 5.11 pants, black in color; pants shall not be bloused

III. Black shoes or boots

IV. Dress belt

V. Sam Brown leather gear or authorized web gear

VI. Black tactical vest  
   a. The tactical vest will be black  
   b. "Police" will be sewn on the right chest panel and on the back panel in large white block lettering.  
   c. A cloth department badge will be sewn on the left chest panel or department badge pinned to the badge tab.  
   d. Embroidered cloth name tape as described in Lexipol 1046.3.3(b)

**MOTOR OFFICERS DRESS UNIFORM**  
I. Motor breeches style pants with silver stripe down side

II. Class "A" uniform shirt as described in Lexipol 1046.3.1  
   a. Motor wheel and arrow or motor wheel and wings are to be worn on both shirt and jacket sleeves.  
   b. To be ½ inch below department patch, or if rank stripes are worn, below stripes.

III. Black tie with plain, brushed silver tie bar as described in Lexipol 1046.3.1

IV. Black motor boots

V. Jacket – black leather  
   (optional for weather conditions)

VI. Eye protection (clear lens or sunglasses.)

VII. Black protective motorcycle gloves.

VIII. Department issued motorcycle helmet, which meets D.O.T. standards.

When attending formal functions motor officers may wear the approved department baseball cap when the helmet is not required; all motor officers in attendance will be uniform when not wearing the helmet (cap or no cap).
MOTOR OFFICERS DUTY UNIFORM
The duty uniform will be the year round duty uniform while riding a motor.

I. Uniform shirt- Black Under Armour Tactical Polo
   a. Motor wheel and arrow or motor wheel and wings are to be worn on both shirt and jacket sleeves.
   b. To be worn ½ inch below department patch, or if rank stripes are worn, below stripes.

II. Pants- Black Motoport Police Air Mesh Kevlar Pants, with reflective stripe half the length of the entire leg; pants will be made with uniform style, internal pockets and shall have cargo pockets.

III. Black motorcycle or duty boots

IV. Jacket Options
   a. Black leather
   b. Approved uniform jacket
   c. Motoport Air Mesh Kevlar jacket

V. Eye protection (Clear lens or sunglasses)

VI. Black protective motorcycle gloves

VII. Department issued motorcycle helmet, which meets DOT standards

VIII. Any officer working as a motor, assigned to motorcycle unit, while performing duties not requiring a helmet may wear the department approved baseball cap.

COMMERCIAL ENFORCEMENT OFFICER UNIFORM

I. Black Shirt- 5.11 TacLite shirt.
   a. Short sleeve
   b. Long sleeve
   c. Under Armour Turtle or Mock Turtleneck black in color worn during inclement weather (Optional)
   d. Cloth department badge on left chest
   e. Embroidered name tape on right chest with officer’s first initial and last name.
   f. Fontana Police Department patches on left and right shoulder

II. Black Pants- 5.11 pants; pants shall not be bloused

III. Black shoes or boots

IV. Dress belt

V. Sam Brown leather gear or authorized web gear

VI. Alternative Uniform Options
   a. Black tactical vest (Optional)
      i. The tactical vest will be black.
      ii. "Police" will be sewn on the right chest panel and on the back panel in large white block lettering.
      iii. A department cloth badge will be sewn on the left chest panel or department badge pinned to the badge tab.
iv. Embroidered cloth name tape; as described in Lexipol 1046.3.3(b)

b. Class C Uniform for Summer Deployment as described in Lexipol 1046.3.3
c. Blue Jumpsuit with department patches and cloth badge as needed for vehicle inspections

**MET/GANG UNIT OFFICER**

   a. Short sleeve
      i. Cloth badge on left chest
      ii. Embroidered name tape on right chest with officer's first initial and last name
      iii. San Bernardino County SMASH Patch above name on right chest
      iv. Fontana Police Department patches on left and right shoulder
   b. Long sleeve

II. Black Pants - 5.11 pants, black in color; pants shall not be bloused

III. Black shoes or boots

IV. Dress belt

V. Sam Brown leather gear or authorized web gear

**HONOR GUARD**

I. The uniform of the Fontana Police Department Honor Guard shall be the Fontana Police Department Class “A” uniform, with the following additional items consist of the following:
   a. Honor Guard badge
   b. Ribbons/awards will be worn in a single row
   c. Class “A” cover
   d. Long sleeve shirt
   e. Uniform pants
   f. Name plate
   g. White shoulder braid
   h. White gloves
   i. Black dress belt
   j. Black dress socks
   k. Black low cut “Hi-gloss” shoes
   l. “Sam Browne” belt containing ONLY
      i. Holster
      ii. Single handcuff case
      iii. Double magazine pouch
      iv. Baton ring
      v. Four silver snap keepers

Revised 03/13/18
So long as all Honor Guard members remain uniform in appearance, other modifications to the Honor Guard uniform may be made with the approval of the Chief of Police.

Honor Guard members may wear approved Honor Guard polo shirts with appropriate business attire when representing the Honor Guard during planning meetings, training sessions or rehearsals prior to an official event.

**TACTICAL VESTS FOR NON UNIFORMED OFFICERS, MET, BIKES AND DETECTIVES**

Non-uniformed officers, including but not limited to officers assigned to MET, BIKES, RRT, Narcotics and Detectives may wear a tactical vest. The vest may be worn by personnel during the service of search warrants, high risk arrest situations, while assisting other agencies engaged in similar activities, or other activities with supervisor approval. With the exception of IVS and Canine Handlers and Commercial Enforcement Officers as described in this policy, the tactical vest will not be worn in lieu of a uniform shirt or jacket, and will not be worn by uniformed personnel.

a. The tactical vest will be black.
b. "Police" will be sewn in white on the right chest panel and on the back panel in large block lettering.
c. A department cloth badge will be sewn on the left chest panel or department badge pinned to the badge tab.
d. Embroidered cloth name tape as described in Lexipol 1046.3.3(b).
INLAND VALLEY SWAT
UNIFORM STANDARDS

Members of the Regional SWAT team will be responsible for purchasing their own SWAT utility uniforms. Uniforms will display clearly visible and identifiable badges, hash marks, placards, and lettering that identifies the uniform wearer as a law enforcement officer. The SWAT team supervisors must approve all other items of personal wear or equipment.

II. Uniforms shall conform to the following:
   a. OD Green Military style BDU’s consisting of a shirt and pants
   b. Subdued tactical vests, placards identifying police to the front and rear.
   c. Subdued unit shoulder patches on each shoulder
   d. Subdued cloth agency Police badge sewn above the left chest pocket
   e. Subdued SWAT insignia sewn on to the flap of the left chest pocket
   f. Team members last name, or last name and first initial sewn on to name tape above the right chest pocket of the training and call-out shirt
   g. Team sergeants will wear appropriate rank insignia (subdued) on the sleeves.
   h. The SWAT Commander shall wear rank insignia (black) on the shirt collar.

III. In addition to the approved uniform, various items of apparel may be purchased for wear, at official and semi-official department / SWAT functions as appropriate.
   a. Flight jacket (OD green).
   b. Military field style jacket (OD green or camouflage).
   c. Polo shirt (black or OD green) with subdued SWAT insignia embroidered on the chest, left side.
   d. Long-sleeved T-shirts, black or OD green in color, with the SWAT insignia on the chest, left side.
   e. Military style boonie hat (OD green or camouflage in color).
   f. Knit cap, watch cap style or similar style cap, with no markings (OD green or black in color).
   g. Black military style laced up boots, black soled leather shoes or other soft wear as deemed appropriate.
   h. Other items of apparel as may be deemed appropriate by the SWAT Commander depending on the nature and type of worked assigned that day.
INCLEMENT WEATHER GEAR

May be worn when employees are subject to prolonged exposure to wind, rain, sun or authorized by a supervisor

I. May be worn by all sworn and non-sworn uniformed personnel
   a. Rain Gear
      i. Coats and boots provided by the department.
      ii. Officers may wear yellow, black or clear raincoats or pants (provided at the officer's expense).
   b. Authorized Head Gear
      i. Authorized Baseball Cap
         1. Shall have Fontana Police Department logo embroidered on the front
         2. Employees in Special Assignments may have the assignment (Traffic, K9, MET etc.) embroidered on the back of the cap
      ii. Beanie
         1. Beanie shall be black nylon, cotton or blend
         2. Beanie shall have the approved Fontana Police Department logo embroidered on the front; no other insignias or designs will be on the beanie.
         3. Can be watchman style or Skull caps style
   c. Gloves
      i. Black gloves, with no design, may be worn.
      ii. May not have selected fingers cut from the glove.
      iii. Lead or sand-filled gloves (commonly referred to as "sap gloves") and gloves with rigid covering over the knuckles are not authorized.
   d. Black Under Armour style Turtle or Mock.
SAFETY AND OTHER RELATED EQUIPMENT

Sam Brown Gear:

Dress Belt
- The pants belt shall be black basket weave or WEB, 1½" to 2" wide, with silver color buckle (if visible.)

Sam Brown Belt:
- Shall be black basket weave or WEB, 2½" wide, with silver two-prong buckle or black plastic fastener.

Holster
- The department will provide a holster to carry a department issued service weapon. Any other holster will be the financial responsibility of the employee. The holster shall be black basket weave or WEB for appropriate weapon, must be at minimum a single retention holster worn as manufacturer designed without modifications to any safety or retention device.

Ammunition Case
- Black basket weave or WEB side-by-side style capable of holding at least two magazines. Must have button down flaps or Velcro flaps (open tops option). Ammunition must be concealed. No open loop type carriers are permitted.

Handcuff Case
- Shall be black basket weave or WEB with flap.

Buck Knife Case
- Shall be black basket weave or WEB with fold over flap with Velcro or one or two silver snaps.

Key Strap and Baton Ring
- Shall be black basket weave or WEB with silver ring with Velcro or one or two silver snaps.

Keepers
- Shall be black basket weave or WEB with Velcro or one or two silver snaps. The maximum number to be worn is five.

Handie-Talkie Holder
- Shall be black metal, basket weave or WEB.

Mini-flashlight holder
- Shall be black basket weave or WEB.

Chemical Agent/ O.C. Holder
- Shall be black basket weave or WEB.

Flashlights
- Duty flashlight is to be black in color, metal or plastic, up to 5 cell. May be rechargeable type.
- Small lithium battery or rechargeable flashlight may be worn on the employee's belt. These flashlights shall be carried in a black basket weave or WEB holders.

Tourniquet case
- Shall be black basket weave, plastic or WEB.

**Taser Holster**

- Shall be black basket weave or WEB.

**Glove Pouch**

- Shall be black basket weave or WEB.

**Helmets**

Supervisors may require the wearing of helmets by all personnel on specific occasions when the need is apparent. In such instances, the helmet shall be strapped at all times when worn and shall be department issue only.

*WEB Gear is authorized with the Class “C” Patrol Summer Uniform and Authorized Special Units*

**PINS and MEDALS** *(See attachment for details)*

Department uniformed personnel are authorized to wear the following pins on their uniform:

a. Department lifesaving, merit, valor, Purple Heart, IRC Incident excellence pins
b. 10851 pin
c. CAL-ID pin
d. Marksman pin
e. City of Fontana service pin
f. FBI National Academy pin
g. Department approved special detail pin (K-9, IVS, etc.)
h. American Flag (worn on right pocket under nameplate)
i. Aviation Pin- Gold Wings

In order to maintain a neat appearance for uniformed personnel, only two (2) of the above listed pins may be worn at the same time. However, employees may wear multiple pins from those listed in category A. For example, an employee may wear three (3) lifesaving awards (or any combination of awards from category A) and still wear one other pin from category B-G. If an employee has multiple pins from the same category other than A, they shall only wear one of those pins. For example, an employee who has three (3) 10851 pins shall only wear one 10851 pin.

All pins shall be worn centered on the top of the left chest pocket flap, with the top of the pin(s) even with the top of the pocket flap, and below the badge. If pins from category A are worn with other pins, the pin(s) from category A shall be worn above the other pins, with the other pins centered below them.
CIVILIAN UNIFORM PERSONNEL

All non-sworn civilian uniformed personnel are required to maintain a Class “A” uniform as outlined in Lexipol 1046.3.1 for special occasions such as inspections, funerals, graduations, ceremonies or as directed.

FIELD EVIDENCE TECHNICIANS UNIFORM (FET)

I. Class “A” Uniforms
   a. FET’s will abide by the uniform specification as described under the Class “A” requirements.
   b. Class "A" uniforms shall have an embroidered patch. The patch shall read "Field Evidence Technician" embroidered in block .30” silver letters in (3) straight lines on the front upper left side of the shirt above the pocket on the left chest.
   c. Nameplate as described in Lexipol 1046.3(e)

II. Duty Uniform Shirt- Under Armour black polo shirt
   a. Short sleeve
      i. "Field Evidence Technician" embroidered in block .30” silver letters in (3) straight lines on the front upper left side of the shirt above the pocket on the left chest
      ii. F.E.T’s first initial and last name shall be embroidered in block .60” silver letter
   b. Long sleeve

III. Pants- Black 5.11 pants; pants shall not be bloused

IV. Black shoes or boots

V. Dress belt

VI. Sam Brown authorized web gear shall conform to same requirements as sworn officer. Authorized to wear the following items
   a. Folding knife case
   b. Key strap
   c. Keepers
   d. Handie-Talkie holder
   e. Mini flashlight holder
   f. Chemical agent/O.C. holder

VII. Optional Equipment (May be purchased by personnel on their own providing it meets departmental standards).
   a. Crime Scene Vest
      i. To be worn when actively working a crime scene
      ii. The Crime Scene vest will be black in color
      iii. "Crime Scene" will be sewn in white on the right chest panel and on the back panel in large block lettering.
      iv. Embroidered cloth name tape as described in Lexipol 1046.3.3(b)
b. Crime Scene Utility Belt with pouches

ANIMAL SERVICES UNIFORM (ASO)

I. Class “A” Uniforms
   a. ASO’s will abide by the uniform specification as described under the Class “A” requirements.
   b. Class “A” uniforms shall have an embroidered patch. The patch shall read “Animal Services” embroidered in block .60” silver letters in a straight line on the front upper left side of the shirt above the pocket on the left chest.
   c. Nameplate as described in Lexipol 1046.3(e)

II. Duty Uniform Shirt- 5.11 black shirt
   a. Short sleeve
      i. Patch with “Animal Services” on left chest
      ii. Name tape embroidered on right chest with officer’s first initial and last name in silver lettering Embroidered cloth name tape as described in Lexipol 1046.3.3(b)
   b. Long sleeve

III. Pants- 5.11 black pants; pants shall not be bloused

IV. Black shoes or boots

V. Dress belt

VI. Sam Brown authorized web gear shall conform to same requirements as sworn officer. Authorized to wear the following items;
   a. Folding knife case
   b. Key strap
   c. Keepers
   d. Handie-Talkie holder
   e. Mini flashlight holder
   f. Chemical agent/O.C. holder
   g. May carrier a collapsible bite stick once they have received the appropriate training.

COMMUNITY SERVICE OFFICERS (CSO)

I. CSO’s will abide by the uniform specification as described under the Class “A” requirements with the following exceptions
   a. Class “A” Uniform Shirt
      i. Shall be light blue
      ii. Shall have an embroidered patch. The patch shall read “Community Service Officer” embroidered in block .30” silver letters in (3) straight lines on the front upper left side of the shirt above the pocket on the left chest.
      iii. Nameplate as described in Lexipol 1046.3(e)
   b. Class “B” Uniform Shirt
      i. Shall be light blue
ii. Shall have “Community Service Officer” patch on the left chest
iii. Nameplate as described in Lexipol 1046.3(e)

II. Black shoes or boots

III. Dress belt

IV. Sam Brown authorized web gear shall conform to same requirements as sworn officer. Authorized to wear the following items
   a. Folding knife case
   b. Key strap
   c. Keepers
   d. Handie-Talkie holder
   e. Mini Flashlight holder
   f. Chemical agent/O.C. holder

V. During daylight savings time, officers may elect to wear Class C uniform which will be comprised of the following;
   a. Shirt - 5.11 or Under Armour polo shirt light blue in color
      i. Short sleeve
      ii. Cloth badge on left chest
      iii. Embroidered name tape on right chest with officer’s first initial and last name in in ½” block lettering, white in color.
      iii. Fontana Police Department patches on left and right shoulder
   b. Pants - 5.11 pants will be black in color. Pants shall not be bloused
   c. Black work shoes or boots
   d. Dress belt
   e. Sam Brown leather gear or authorized web gear. Web gear shall be maintained in good condition and not show signs of wear, fraying, folding or fading.

COMMUNITY POLICING TECHNICIANS (CPT)

I. CPT’s will abide by the uniform specifications as described under the Class "A" and Class "B"
   a. Class “A” Uniform
      i. CPT’s will abide by the uniform specification as described under the Class “A” requirements.
      ii. Class "A" uniforms shall have an embroidered patch. The patch shall read “Community Policing Technician” embroidered in block .30” silver letters in (3) straight lines on the front upper left side of the shirt above the pocket on the left chest, similar to the patch on the class “B” uniform.
      iii. Nameplate as described in Lexipol 1046.3(e)
   b. Class “B” Uniform
      i. CPT’s will abide by the uniform specification as described under the Class "B" requirements.
ii. Shall have “Community Service Technician” patch on the left chest
iii. Nameplate as described in Lexipol 1046.3(e)

II. Black shoes or boots
III. Dress belt
IV. Sam Brown authorized web gear shall conform to same requirements as sworn officer. Authorized to wear the following items
   a. Folding knife case
   b. Key strap
   c. Keepers
   d. Handie-Talkie holder
   e. Mini Flashlight holder
   f. Chemical agent/O.C. holder

**CODE ENFORCEMENT**

I. Duty Uniform Shirt
   a. 5.11/CornerStone
   b. Black polo shirt
   c. Short/long sleeve
      i. “Fontana Police Service with Integrity” embroidered on front upper left side of the shirt.

II. Pants- Black 5.11 pants (pants shall not be bloused)
III. Black basket-weaved belt
IV. Black shoes or boots with round toes and ability to be polished
V. Black jacket
   a. No patches on sleeves
   b. Name displayed on the upper right side of jacket
   c. Fontana Police Code Enforcement embroidered on the upper left side of jacket.

**EXPLORERS**

The Explorer uniform will consist of the same garments and equipment as the Class B uniform (Lexipol 1046.3.2) with the following exceptions:

I. The long or short sleeve shirt may be worn with the collar open. No tie is required.
a. Shirts will be slate gray with epaulets and two chest pockets, square with flaps.
b. Patches
   i. Explorers’ shirts shall have the approved silver cloth style Explorer badge on the left chest.
   ii. One department shoulder patch on shall be sewn on each shoulder.
   iii. Explorers shall wear one "Explorer" patch on each sleeve which shall be affixed ¼" below the top seam directly above and touching the department shoulder patch.
   iv. Rank insignias will be worn on the shirt collars as directed
   v. Name plate shall be worn. (same as Lexipol 1046.3)
c. A white, navy blue or black crew neck t-shirt must be worn with the uniform.

II. Pants (same as Lexipol 1046.3)

III. Footwear (same as Lexipol 1046.3)

IV. Leather Gear same as for sworn officers containing the following items:
   a. Dress belt
   b. Sam Browne with keepers
   c. Handie-Talkie holder
   d. Mini-flashlight holder
   e. Handcuff case

V. Baseball cap may be worn same as for sworn officers

VI. Jacket (Same as Lexipol 1046.3.3) with following exception:
   a. A patch displaying the word "Explorer" shall be affixed on the back and centered. The patch shall display silver lettering with black background.
   b. Letters shall measure 3" high and 1 ¼" wide with the stem of the letters measuring 3/8" wide

VOLUNTEERS

The Citizen Volunteer Uniform is the property of the Fontana Police Department. The uniform shall be turned in upon resignation or termination from the Volunteer Program. The Volunteer uniform will consist of the same garments and equipment as the Class B uniform (Lexipol 1046.3.2) with the following exceptions:

I. The long or short sleeve shirt may be worn with the collar open. No tie is required
   a. Shirts will be white in color with epaulets and two chest pockets, square with flaps.
   b. Royal blue “VPOP” shoulder loop may be worn on the shoulder epaulette for volunteers working VPOP
   c. Patches
i. Crime Prevention volunteers shall wear the department approved cloth style Volunteer badge.

ii. Nameplates of departmental issue shall be worn just above and centered over right shirt pocket.

iii. One department shoulder patch on shall be sewn on each shoulder.

iv. Volunteers shall wear one “Volunteer” patch on each sleeve which shall be affixed directly below and touching the department shoulder patch.

d. A white crew neck t-shirt must be worn with the uniform.

II. Pants (same as Lexipol 1046.3)

III. Footwear (same as Lexipol 1046.3)

IV. Leather Gear containing the following items:
   a. Dress Belt
   b. Sam Browne with keepers
   c. Handie-Talkie holder
   d. Mini flashlight holder
   e. Handcuff case
   f. First-Aid glove pouch

V. Jacket (Same as Lexipol 1046.3.3) with following exception:
   a. A patch displaying the word "Volunteer" shall be affixed below the shoulder patches

VOLUNTEERS POLICING OUR PARKS (VPOP)

I. Duty Uniform Shirt
   a. 5.11/Under Armour
   b. Royal Blue polo shirt
   c. Short sleeve
      i. Fontana Police decal on the front upper left chest
      ii. ”VPOP” embroidered in block .60" silver letters in a straight line on the front upper right side of the shirt
   d. Long sleeve

II. Pants- Black 5.11 pants; pants shall not be bloused

CHAPLAINS

The Police Chaplain uniform is the property of the Fontana Police Department. The uniform shall be turned in upon resignation or termination from the Chaplain Program.

The Police Chaplain uniform will consist of the same garments and equipment as the Class B uniform (Lexipol 1046.3.2) with the following exceptions:

Revised 03/13/18
I. The long or short sleeve shirt may be worn with the collar open. No tie is required.
   a. Shirts will be blue with epaulets and two chest pockets, square with flaps (LAPD Style).
   b. Shirts shall be worn with department-approved patches on each shoulder. The top of the patch shall be located ¼" below the shoulder seam.
   c. "Fontana Police" shall be embroidered in block .60" silver letters in an arch on the front upper left side of the shirt.
   d. A silver cross shall be embroidered under this arch.
      i. The cross shall be 2 ¼" high and ¼" wide.
      ii. The horizontal portion of the cross shall be 1½" long and ¼" wide.
   e. "Chaplain" shall be embroidered in block .60" silver letters in a straight line on the front upper right side of the shirt.
   f. The Chaplain's first name initial and last name shall be embroidered in silver, ½" below and centered under the "Chaplain" title.
   g. The Chaplain's name shall be in lowercase letters with the first name initial and first letter in last name in block .60" letters.
   h. The embroidery in this section can be directly onto the uniform shirt or onto a patch that is subsequently attached to the shirt. If a patch is utilized, the backing shall be of comparable material to the shirt.
   i. A white or black crew neck t-shirt must be worn with the uniform
   j. Alternative Chaplain shirt
      i. Golf-type, lightweight (50% polyester & 50% cotton), black shirt with collar; opening at the neck with two or three buttons.
      ii. "Fontana Police" shall be embroidered in block .60" silver letters in an arch on the front upper left side of the shirt. A silver cross shall be embroidered under this arch. This cross shall be centered and symmetrical to the "Fontana Police" lettering. The vertical portion of the cross shall be 2 ¼" high and ¼" wide. The horizontal portion of the cross shall be 1½" long and ¼" wide.
      iii. "Chaplain" shall be embroidered in block .60" silver letters in a straight line on the front upper right side of the shirt. The Chaplain's first name initial and last name shall be embroidered in silver ½" below and centered under the title "Chaplain." The Chaplain's name shall be in lowercase letters with the first initial and first letter of the last name in block .60" letters.

II. Pants (same as Lexipol 1046.3)
III. Footwear (same as Lexipol 1046.3)
IV. Jacket (Same as Lexipol 1046.3.3) with following exception:
a. A Chaplain patch shall be affixed to the back of the jacket. The patch shall measure 11 ¾" in length by 3 ¾" in height. The patch shall be black with the word "Chaplain" on it. The letters shall be 2 3/8" high and 3/8" wide. The letters shall be silver.
b. A silver cross shall be embroidered over the left pocket.
   i. This cross shall be centered over the pocket with the bottom of the cross being ½" above the pocket.
   ii. The vertical portion of the cross shall be 3 ½" high and ½" wide.
   iii. The horizontal portion of the cross shall be 2 ½" long and 7/16" wide.
c. Silver Chaplain bars shall be attached to the collar of the jacket.
d. Chaplain’s name shall be embroidered with cloth name tape as described in Lexipol 1046.3.3(b)
PROFESSIONAL BUSINESS ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

I. Sworn Business Attire
   a. Clothing shall be neatly pressed properly fitting, clean and free of stains, and not damaged or excessively worn.
   b. Shall be of the size and fit to give a business-like professional appearance.
      i. Sworn male members shall wear one of the following options (excluding those working in undercover capacity):
         1. Business suit
         2. Slacks with a dress shirt and tie shall be worn at all times
      ii. Female sworn members shall wear one of the following options (excluding those working in undercover capacity):
         1. Dress
         2. Tailored skirt and blouse
         3. Tailored pants suit
         4. Tailored slacks and blouse
      iii. Physically Handicapped Personnel: Personnel who are physically handicapped and who are unable to meet the requirements set forth in this section are to make special arrangements with the Division Commander as to their on-duty clothing.

II. Sworn Casual Business Attire
   a. At each Division Commander’s discretion, non-uniform sworn personnel may wear Casual Business Attire.
   b. Casual Business Attire is the combination of the professionalism and credibility of the business look with the comfort of casual clothing.
      i. Acceptable casual business clothing:
         1. Shirts and Blouses: Long or short sleeved dress shirt, solid colored, striped, and other pattern or polo-type shirts with or without Police logo.
         2. Sweaters: Turtlenecks, cardigan, crew, and V-neck.
         3. Pants: Solid or muted-patterned slacks in Khaki, wool, linen, blends, corduroy, twill, cuffed or un-cuffed.
         4. Shoes: Leather, canvas or similar type of closed shoes, loafers, oxfords, or boots.
         5. Socks: Male employees must wear socks with all casual attire.
ii. Unacceptable casual business clothing:
   1. T-shirts
   2. Jogging suits, sweatshirts and sweat pants
   3. Shorts
   4. Loud pattern shirts
   5. Tennis shoes, jogging shoes and any workout type shoes in general
   6. Sandals (casual type flip-flops)
   7. Swimsuit, tube tops or halter-tops
   8. See-through clothing
   9. Distasteful printed slogans, buttons or pins
   10. No item of civilian attire may be worn on duty that would adversely affect the reputation of the Fontana Police Department or the morale of the employees.

*Chief of Police or designee may modify casual attire as appropriate for “Special Events”*

III. Non-Sworn Civilian Employee Attire
The appropriate civilian attire is described as the following:
   a. Clothing is to be clean, in good repair, neatly pressed.
   b. Shall be of the size and fit to give a business-like, professional appearance.
      i. Male non-sworn members shall wear the following:
         1. Business suit
         2. Slacks with a dress shirt and tie
         3. A polo shirt with or without police logo
      ii. Female non-sworn members shall wear the following:
         1. Dress
         2. Tailored Skirt and Blouse
         3. Tailored Pants Suit
         4. Tailored Slacks and Blouse
         5. Polo Shirt with or without police logo

IV. Civilian Ceremonial Uniform: There are no provisions for a ceremonial uniform for most civilian employees. The appropriate dress for solemn and ceremonial occasions shall be the civilian business attire described in this section excluding polo shirts. The solemn and ceremonial occasions may include:
   a. Funerals
   b. Awards, promotions, and dedication ceremonies.
   c. Law enforcement graduation or appreciation programs.
   d. Other events or functions deemed appropriate by the Department.

V. Physically Handicapped Personnel: Civilian personnel who are physically handicapped and who are unable to meet the requirements set forth in this section are to make special arrangements with the Division Commander as to their on-duty clothing.

VI. Non-Sworn Civilian Employee Attire-Casual Business Attire
a. At each Division Commander’s discretion non-uniformed civilian personnel may wear Casual Business Attire.
b. Casual Business Attire is the combination of the professionalism and credibility of the business look with the comfort of casual clothing.
   i. Acceptable casual business clothing:
      1. Shirts and Blouses: Long or short sleeved dress shirts, solid colored, striped and other pattern or polo-type shirts with or without department logo.
      2. Sweaters: Turtlenecks, cardigan, crew, and V-neck.
      3. Pants: Solid or muted-patterned slacks in khaki, wool, linen, blends, corduroy, twill, cuffed or un-cuffed.
      4. Shoes: Leather, canvas or similar type of closed shoes, loafers, oxfords, or boots.
      5. Socks: Male employees must wear socks with all casual attire.
   i. Unacceptable causal business clothing:
      1. T-shirts
      2. Jogging Suits, Sweatshirts and Sweat Pants
      3. Shorts
      4. Loud Pattern Shirts
      5. Tennis Shoes, Jogging Shoes and any sneakers in general
      6. Sandals(casual type flip-flops)
      7. Swimsuit, tube tops or halter-tops
      8. See-through clothing
      9. Distasteful printed slogans, buttons or pins
      10. No item of civilian attire may be worn on duty that would adversely affect the reputation of the Fontana Police Department or the morale of the employees
c. Dispatch personnel working after hours and weekends may wear casual attire, in good taste, including jeans when confined to the dispatch center.

* Chief of Police or designee may modify casual attire as appropriate for “Special Events.”

VII. Civilian non-uniformed personnel assigned to special details or duties, where the aforementioned dress code would be inappropriate may be excused from the listed standards with supervisor approval.
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