Chapter 3 - General Operations
Use of Force

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

300.1.1 DEFINITIONS
Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

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

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

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

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

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

300.3 USE OF FORCE
Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

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

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

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

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

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

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

(a) Immediacy and severity of the threat to officers or others.
(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, and the number of officers available vs. subjects).
(d) The effects of drugs or alcohol.
(e) Subject’s mental state or capacity.
(f) Proximity of weapons or dangerous improvised devices.
(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
(h) The availability of other options and their possible effectiveness.
(i) Seriousness of the suspected offense or reason for contact with the individual.
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(j) Training and experience of the officer.
(k) Potential for injury to officers, suspects and others.
(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
(m) The risk and reasonably foreseeable consequences of escape.
(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
(p) Prior contacts with the subject or awareness of any propensity for violence.
(q) Any other exigent circumstances.

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

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

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

300.3.4 CAROTID CONTROL HOLD
The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

(a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.
(b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

1. The subject is violent or physically resisting.
2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.
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(c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:

1. Females who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles
4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries

(d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

(e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

(f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

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

300.4 DEADLY FORCE APPLICATIONS
Use of deadly force is justified in the following circumstances:

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

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury
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or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Review and approve all related reports.

(f) Complete a Supervisor Use of Force Review report form and submit the completed form to their Lieutenant within 48 hours of the event.

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

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

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

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

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.
Officer Response to Calls

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

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

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

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

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

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

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

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

301.4 INITIATING CODE 3 RESPONSE
If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Communications
Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

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

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

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

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

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

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

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

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

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

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

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

301.8 FAILURE OF EMERGENCY EQUIPMENT

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

302.1 PURPOSE AND SCOPE
This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

302.2 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Lieutenants, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

302.2.1 MEDIA REQUEST
Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

302.3 MEDIA ACCESS
Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department Public Information Officer or other designated spokesperson.
2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

302.3.1 PROVIDING ADVANCE INFORMATION
To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

302.4 SCOPE OF INFORMATION SUBJECT TO RELEASE
The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger
the safety of any individual or jeopardize the successful completion of any ongoing investigation

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

302.4.1 RESTRICTED INFORMATION
It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.
Public Safety Video Surveillance System

303.1 PURPOSE AND SCOPE
This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

303.2 POLICY
The University of California Irvine Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the University to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist University officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

303.3 OPERATIONAL GUIDELINES
Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

303.3.1 PLACEMENT AND MONITORING
Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected University divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

The cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity;
(b) To target identified areas of gang and narcotics complaints or activity;
(c) To respond to critical incidents;
(d) To assist in identifying, apprehending and prosecuting offenders;
(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers;
(f) To augment resources in a cost-effective manner;
(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Watch Commander’s office and the Communications Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Watch Commander or trained the Communications Center personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

303.3.2 CAMERA MARKINGS
All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

303.3.3 INTEGRATION WITH OTHER TECHNOLOGY
The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

303.4 VIDEO SUPERVISION
Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.
303.4.1 PROHIBITED ACTIVITY
Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

303.5 STORAGE AND RETENTION OF MEDIA
All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule and for a minimum of one year. Prior to destruction, written consent shall be obtained from the General Counsel. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

303.5.1 EVIDENTIARY INTEGRITY
All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be 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, digital masking of innocent or uninvolved individuals to preserve anonymity, 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.

303.6 RELEASE OF VIDEO IMAGES
All recorded video images gathered by the public safety video surveillance equipment are for the official use of the University of California Irvine Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose.
Public Safety Video Surveillance System

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

303.7 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.
Child and Dependent Adult Safety

304.1 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.

304.2 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 University of California Irvine 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.

304.3 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.


304.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee’s disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
   1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver’s judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
   1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.

(e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver’s arrest and of the arrangements being made for the care of the arrestee’s dependent. The result of such actions should be documented in the associated report.

304.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).
If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

### 304.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name;
2. Sex;
3. Age;
4. Special needs (e.g., medical, mental health);
5. How, where and with whom or which agency the child was placed;
6. Identities and contact information for other potential caregivers;
7. Notifications made to other adults (e.g., schools, relatives).

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name;
2. Sex;
3. Age;
4. Whether he/she reasonably appears able to care for him/herself;
5. Disposition or placement information if he/she is unable to care for him/herself.

### 304.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

### 304.4 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.
304.5 TRAINING
The Training Manager is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).
Handcuffing and Restraints

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

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

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

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

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

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

305.3.2 RESTRAINT OF PREGNANT PERSONS
Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.
Handcuffing and Restraints

No person who is in labor, delivery or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers or others (Penal Code § 3407; Penal Code § 6030).

305.3.3 RESTRAINT OF JUVENILES
A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

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

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

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

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

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

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

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

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

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

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

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

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

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

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

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

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

305.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS
When applying leg restraints the following guidelines should be followed:
Handcuffing and Restraints

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

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

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

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

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

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

(a) The amount of time the suspect was restrained.

(b) How the suspect was transported and the position of the suspect.

(c) Observations of the suspect's behavior and any signs of physiological problems.

(d) Any known or suspected drug use or other medical problems.
Discriminatory Harassment

306.1 PURPOSE AND SCOPE
The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

306.2 POLICY
The University of California Irvine Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

306.3 DEFINITIONS
Definitions related to this policy include:

306.3.1 DISCRIMINATION
The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on the 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 other classifications protected by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

306.4.1 SUPERVISOR RESPONSIBILITIES
The responsibilities of each supervisor and manager shall include, but are not limited to:

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

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

(c) Ensuring that his/her subordinates understand their responsibilities under this policy.

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

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

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

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

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

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

306.4.3 QUESTIONS OR CLARIFICATION
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Services, the Associate Vice Chancellor, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).
306.5 INVESTIGATION OF COMPLAINTS
Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

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

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

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

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

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

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

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

- Approved by the Chief of Police, the Associate Vice Chancellor or the Director of Human Services, depending on the ranks of the involved parties.
- Maintained in accordance with the department’s established records retention schedule.

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

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

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

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

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, the Training Manager should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

306.7.2 TRAINING RECORDS
The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).
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306.8 WORKING CONDITIONS
The Assistant Chief of Police or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other University employees who are similarly tasked (2 CCR 11034).

306.9 REQUIRED POSTERS
The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).
Identity Theft

307.1 PURPOSE AND SCOPE
Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

307.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.
Domestic Violence

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

308.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

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

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
(d) When practicable and legally permitted, video or audio record all significant statements and observations.

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

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

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

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

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

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

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.
308.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:
   (a) Advise the victim that there is no guarantee the suspect will remain in custody.
   (b) Provide the victim’s contact information to the jail staff to enable notification of the
       victim upon the suspect’s release from jail.
   (c) Advise the victim whether any type of court order will be in effect when the suspect
       is released from jail.

308.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:
   (a) Advise the parties of any options, including but not limited to:
       1. Voluntary separation of the parties.
       2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter
          homes, victim witness unit).
   (b) Document the resolution in a report.

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

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

308.6 DISPATCH ASSISTANCE
All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as
practicable.
Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

308.7 FOREIGN COURT ORDERS
Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

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

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

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

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

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

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

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

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

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

California law provides for the following:

308.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

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

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

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

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

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

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

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

308.9.2 COURT ORDERS

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

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

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

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

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

308.9.3 PUBLIC ACCESS TO POLICY

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

308.9.4 REPORTS AND RECORDS

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

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

(c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)(2)).

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

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

309.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

309.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS
Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

309.3 ARRESTS BY PRIVATE PERSONS
Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

309.4 OFFICER RESPONSIBILITIES
Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b) (1). The officer must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person’s arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking;
2. Release the individual pursuant to a Notice to Appear;
3. Release the individual pursuant to Penal Code § 849.

309.5 REPORTING REQUIREMENTS
In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a department Private Person's Arrest form under penalty of perjury.

In addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete a narrative report regarding the circumstances and disposition of the incident.
Subpoenas and Court Appearances

310.1 PURPOSE AND SCOPE
This policy establishes the guidelines for department members who must appear in court. It will allow the University of California Irvine Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

310.1.1 DEFINITIONS
Subject to Recall - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

On-call (Restricted per FUPOA MOU) - When an employee receives a subpoena of a type which allows him/her to not appear in court, but must remain available by phone or pager so that he/she may be directed to appear in court within one hour of notification.

Trailing Status - When an employee remains on call status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical presence in the specified court.

Court Liaison - The Court Liaison is assigned to facilitate communication and transfer official documents and files between various factions of the justice system and UC Irvine Police Department personnel.

310.2 POLICY
University of California Irvine Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

310.2.1 SERVICE OF SUBPOENA
To be handled by Court Liaison: (a) Prosecution Subpoenas from all of the Orange County Judicial Districts. To be handled by the UCI Police Department Support Services Division and/or Risk Management: (b) Prosecution Subpoenas from Out-of-County districts. (c) Administrative Subpoenas (DMV, ABC, State Compensation and other Administrative Subpoenas) (d) Work-Related Civil Subpoenas/Notice of Deposition (e) Defense Subpoenas (f) Juvenile Subpoenas (g) Traffic Subpoenas (h) Subpoenas Duces Tecum " Criminal Pitchess motions, discovery motions, and civil subpoenas for UC Irvine Police Department personnel will be accepted by UC Irvine Risk Management or UC Irvine Police Department Support Services Division. For more information see UCI Policy and Procedures section 700-11C.2.

310.2.2 ACCEPTANCE OF SUBPOENA
(Government Code § 68097.1 and Penal Code § 1328(c) and (d)).

(a) It will be the responsibility of the Court Liaison or other authorized personnel to accept subpoenas whenever possible. When the Court Liaison or other authorized personnel are not
available, the employee's immediate supervisor will accept subpoenas and immediately forward to the appropriate personnel for processing. Only the employee named in the subpoena, the Court Liaison, Administration Unit personnel or his/her immediate supervisor shall be authorized to accept service of a subpoena.

(b) The Court Liaison or appropriate personnel shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee. Administration Unit personnel will enter all subpoenas into the Orange County Integrated Law and Justice (ILJ) Subpoena System.

(c) **FOR HARDCOPY SUBPOENAS:** When it is reasonable that the employee can be contacted and can properly prepare for the court appearance, the subpoena will be accepted. The Court Liaison, or authorized personnel will promptly provide a copy of the subpoena to the individually named employee.

(d) **FOR ELECTRONICALLY RECEIVED SUBPOENAS:** Subpoenaed personnel who receive an electronic subpoena notification (via e-mail) must acknowledge receipt of said e-mail. All subpoenaed personnel who receive an e-mail notification via the ILJ Subpoena System must click the hyperlink located at the bottom of the e-mail to confirm subpoena acceptance. Employees shall not call Harbor Justice Center to place themselves on-call as instructed in the electronic subpoena. The Court Liaison will be responsible for coordinating on-call status.

(e) The Court Liaison or authorized personnel will determine the serviceability of accepted subpoenas under the authority of CPC 1328 and under the guidelines of this section.

(f) For employees who are subpoenaed to attend a civil action or proceeding as a witness in a litigation matter regarding an event or transaction which he/she was involved in as a course of his/her duties:

1. The party at whose request the subpoena is issued shall reimburse the local agency for the full cost incurred by the local agency in paying the employee his/her salary or other compensation and traveling expenses as provided for in this section, for each day that the employee is required to remain in attendance pursuant to the subpoena.

2. The amount of one hundred fifty dollars ($150), together with the subpoena, shall be tendered to that local agency for each day that the employee is required to remain in attendance pursuant to the subpoena. (Government Code § 68096.1(b)).

310.2.3 **REFUSAL OF SUBPOENA**
The Court Liaison will monitor schedules in an effort to avoid accepting subpoenas during previously scheduled training and vacations. If an employee is served with a subpoena during scheduled training or vacation, the employee must return the subpoena to the Court Liaison or other authorized personnel for refusal as soon as possible. Reasonable effort will be made to accommodate the employee’s scheduled time off. However, there may be instances where the court may still demand the employee’s appearance. Regularly scheduled days off are not valid reasons for refusing a subpoena or missing court.
**Subpoenas and Court Appearances**

The Court Liaison or other authorized personnel may refuse a subpoena if:

(a) The Court Liaison or other authorized personnel knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the Court Liaison or other authorized personnel may refuse to accept service. (CPC 1328 (d)).

(b) A subpoena is presented for service to the Court Liaison or other authorized personnel less than five working days prior to the date listed for appearance, and he/she is reasonably certain he/she cannot complete the service, the Court Liaison or other authorized personnel may refuse to accept service (CPC 1328 (e)).

After receipt of a subpoena, the Court Liaison or other authorized personnel may refuse a subpoena if:

(a) The Court Liaison or other authorized personnel determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the Court Liaison or other authorized personnel shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance. (CPC 1328 (f)).

(b) Illness, family emergency or other event beyond employee's control: The employee shall notify the Court Liaison or other authorized personnel at least one hour prior to the appointed date and time of the court appearance. It shall then be the responsibility of the Court Liaison or other authorized personnel to notify the issuing authority of the employee's unavailability.

(c) Other: If an employee believes he/she cannot attend for any other reason, including travel out of the area during his/her regularly scheduled days off:

1. The employee must submit a memorandum indicating the date(s) they will not be available for court and the reason to a supervisor and receive the supervisor's signature on the memorandum indicating whether the request was denied or approved.

2. The employee must submit the signed memorandum to the Court Liaison or other authorized personnel. The Court Liaison or other authorized personnel will notify the officer if a subpoena received for the dates submitted in the memorandum will be refused or accepted.

3. Submittal of a memorandum does not guarantee refusal of subpoenas received for the dates submitted in the memorandum. The Court Liaison or other authorized personnel will coordinate with the issuing authority and the employee's supervisor for a response to the memorandum.

**310.2.4 OFF-DUTY RELATED SUBPOENAS**

To facilitate court standby agreements with the courts, employees are required to provide and maintain their current home address, home phone number and cell phone number with the UC Irvine Police Department. Employees are required to notify the Department within 24 hours of any change in residence address or phone numbers, and to provide accurate and reasonably reliable means or methods for contact.
All off-duty employees scheduled as on-call for court appearances, if called to court, will appear in court within one hour of notification.

(a) The Court Liaison or other authorized personnel will administer the Court On-Call Program. If an employee on standby changes his/her contact information during the day, the employee shall notify the Court Liaison of how he/she can be reached. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to continue an employee on standby status or excuse them from standby status.

(b) The Court Liaison will be notified by the subpoenaing party when an on-call employee is needed for court. All employees are required to be present within (1) hour of notification. Once at court, the employee is required to notify the subpoenaing party of their presence.

(c) Employees must ensure that a subpoena has been served before any court appearance is made. If a subpoena was not served through the Court Liaison, UC Irvine Police Department or via ILJ subpoena system, the employee must ensure that the subpoena is provided before appearance is made.

(d) The employee is required to receive approval from his/her supervisor for any special agreements they make with the subpoenaing party if it could impact the rate of compensation they may be entitled to or changes to their on-call status.

(e) Harbor Justice Center: All criminal subpoenas will be handled by the Court Liaison. There are two court sessions during the court day. The morning session is generally 0900 to 1200 hours, while the afternoon session is generally 1330 to 1600 hours. Employees will be compensated for up to 7 hours of overtime to cover the aforementioned court sessions. Employees' on-call for the morning session will be notified by 1200 hours by the Court Liaison if they are to remain on-call during the afternoon session. If no notification has been made, the employees' on-call status has been terminated.

(f) Other Courts: The Court Liaison or other authorized personnel will contact the requesting agency for specific on call dates/times. In order to help minimize the length of time requested by other agencies, and to facilitate understanding, the Court Liaison or other authorized personnel will work to narrow the on-call time for individual requests with agencies other than Harbor Justice Center.

310.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).
An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

310.3.1 SPECIAL NOTIFICATION REQUIREMENTS
Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the General Counsel or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the University or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the University of California Irvine Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the University of California Irvine Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

310.3.2 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member’s compensation through the civil attorney of record who subpoenaed the member.
Subpoenas and Court Appearances

310.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

310.3.4 COURTHOUSE DECORUM
Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

310.4 FAILURE TO APPEAR
Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

310.4.1 ON-CALL (RESTRICTED)
(a) Employees required to remain at his/her residence or promptly available by phone or pager while in an off-duty status because he/she is put on-call for court appearance, will receive on-call pay for time spent on-call.

(b) In the event that the morning session on-call status is terminated prior to 1000 on the appearance date, the employee will be compensated for one hour of on-call pay. If on-call status for the afternoon session is terminated prior to 1430, the employee will be compensated for one hour of on-call pay.

(c) When an employee is required to be on-call before and after the court lunch recess, such lunchtime will not be included in determining the employee’s on-call pay.

(d) If an employee is on-call for a court appearance and is called to appear in court, time spent on-call shall be credited towards court time.

For example:
Officer Jones is on-call from 0900 to 1130 (2.5 hours) and appears in court from 1330 to 1530 (2 hours). Officer Jones will receive 4.5 hours of work time.

Officer Jones is on-call from 0900 to 1000 (1 hour) and appears in court from 1400 to 1600 (2 hours). Officer Jones will receive 4 hours of work time. (e) To receive compensation for court time, the employee shall submit documentation.

310.5 STANDBY
To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain
on standby until released by the court, the party that issued the subpoena, or the UCIPD Court Liaison.

310.6 COURTROOM PROTOCOL
When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

310.6.1 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.
Victim and Witness Assistance

311.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

311.2 POLICY
The University of California Irvine Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the University of California Irvine Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

311.3 CRIME VICTIM LIAISON
The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the University of California Irvine Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

311.3.1 CRIME VICTIM LIAISON DUTIES
The crime victim liaison is specifically tasked with the following:

(a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim’s or derivative victim’s designation as a gang member, associate, or affiliate, or on the person’s documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).

(b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

(c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.

(d) Annually providing CalVCB with his/her contact information (Government Code § 13962).

(e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).

1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the University of California Irvine Police Department jurisdiction (Penal Code § 680.2).
311.4 CRIME VICTIMS
Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

311.4.1 VICTIMS OF HUMAN TRAFFICKING
Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim’s parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

311.5 VICTIM INFORMATION
The Administrative Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.
(b) Community resources for victims of sexual assault.
(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
(d) An explanation that victims of sexual assault who seek a medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
(f) A clear explanation of relevant court orders and how they can be obtained.
(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender’s custody status and to register for automatic notification when a person is released from jail.
(i) Notice regarding U Visa and T Visa application processes.
(j) Resources available for victims of identity theft.
(k) A place for the officer’s name, badge number and any applicable case or incident number.
Victim and Witness Assistance

(l) The “Victims of Domestic Violence” card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

311.6 WITNESSES
Officers should never guarantee a witness’ safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.
Service Animals

312.1 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).

312.1.1 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)).

312.2 POLICY
It is the policy of the University of California Irvine 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.

312.3 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;
Service Animals

- 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.

312.4 MEMBER RESPONSIBILITIES
Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the University of California Irvine Police Department affords to all members of the public (28 CFR 35.136).

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

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

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

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

312.4.3 REMOVAL
If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.
312.4.4 COMPLAINTS
When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service 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

313.1 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 University of California Irvine Police Department with respect to taking law enforcement action while off-duty.

313.2 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.

313.3 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.

313.4 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;
(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.

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

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an University of California Irvine Police Department officer until acknowledged. Official identification should also be displayed.

313.4.2 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.

313.4.3 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.

313.4.4 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.

313.5 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.
Use of Social Media

314.1 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).

314.1.1 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

314.2 POLICY
The University of California Irvine Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events. Additionally, the University of California, Irvine Police Department uses social media to provide an online information source focused on UC Irvine Police Department and Emergency Management issues, projects, news, and events, and is not intended as a public forum.

In the event of an emergency, these platforms will be used for information dissemination, situational awareness, and other general communication with students, staff, faculty, parents, and the community at large.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

314.3 SOCIAL MEDIA WEBSITES
**Facebook**
http://facebook.com/UCIrvinePD
http://facebook.com/ZotReady

**Twitter**
http://twitter.com/UCIrvinePD
http://twitter.com/ZotReady
Use of Social Media

Instagram

https://www.instagram.com/ucirvinepd/

314.3.1 MEDIA RELEASE GUIDELINES

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<td>Cirme/Community Alerts</td>
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<td>Arrests of Interest</td>
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<td>Community Engagement/Events*</td>
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*UCIPD will not post direct photos of minors (under 18)

314.3.2 DENIAL OF ACCESS

UCIPD reserves the right to deny access to any UCIPD social media platforms for any user, who violates the UCIPD Social Media Policy, at any time and without prior notice.

If you wish to contest the removal or hiding of your content, or your denial of access ("banned"/"blocked") from our social media platforms, you may do so in writing by emailing police@uci.edu.

314.3.3 PRIVACY POLICY

UCIPD records are subject to the Public Records Act. Comments, likes, or other interactions with UCIPD social media accounts are subject to compliance with the University’s public records policy.

314.4 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.

314.4.1 UCIPD SOCIAL MEDIA ADMINISTRATORS

Sergeant Assigned as UCIPD Social Media Administrator

949-824-5223 Work
Use of Social Media

Emergency Management Director
949-824-7147 Office
949-236-9682 Cell

Business Continuity Program Manager
949-824-9645

314.5 AUTHORIZED CONTENT
Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:
(a) Announcements.
(b) Tips and information related to crime prevention.
(c) Investigative requests for information.
(d) Requests that ask the community to engage in projects that are relevant to the department mission.
(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
(f) Traffic information.
(g) Press releases.
(h) Recruitment of personnel.

314.5.1 INCIDENT-SPECIFIC USE
In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, and traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

314.6 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 University of California Irvine 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.
Use of Social Media

(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.

314.6.1 PUBLIC POSTING PROHIBITED
Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

314.7 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, and the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

314.7.1 COMMENTING POLICY
UCIPD welcomes people’s rights to express their opinions and encourages posters to keep their comments relevant to the content on the site. While our goal is to foster engaging, informative, and productive conversations, we also expect an acceptable degree of respectfulness and civility from all parties.

Our police media team responds to questions as soon as possible, and monitors all comments during regular business hours. We reserve the right, but do not have an obligation, to delete any comments deemed inappropriate. Our failure to immediately comment upon, or remove a submission, as well as our use of the specific social media account’s acknowledgement or response features, should never be seen or treated as an endorsement.

A comment may be deleted if it:

- Is not topically related to the posting being commented upon;
- Uses abusive, vulgar, offensive, profane, sexual, threatening or defamatory language or content; uses terms that target specific individuals or group based on race, color, sex, sexual orientation, national origin, ethnicity, age, religion, or disability; or suggests or supports illicit or potentially harmful activity;
- Contains commercial advertisement or solicitations, or political endorsements of a person, entity, issue or cause;
- Contains a malicious code, virus, or any other item that may interfere or disrupt the University’s technology services, servers, computer systems, or networks.
- Compromises the safety or security of the public or public services, or any member of the University community.
Use of Social Media

For official business and any feedback requiring prompt action or a formal reply, we welcome you to contact the UCIPD Media Team via email police@uci.edu. If you have an emergency, dial 9-1-1.

314.8 RETENTION OF RECORDS
The Support Services Division Lieutenant shall work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

314.9 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.
Emergency Notifications ("zotALERTS") and Community Advisories

315.1 PURPOSE AND SCOPE
This policy provides guidelines for the development and dissemination of Emergency Notifications (referred to as “zotALERTS”), Timely Warning Notifications (referred to as “Crime Alerts”), and other notifications (referred to as “Community Advisories”) as deemed necessary by the UCI Police Department.

315.2 GENERAL POLICY
When issuing zotALERTS and Crime Alerts, notification to the UCI and UCI Medical Center campus communities will be made in accordance with Title 34 Code of Federal Regulation Part 668, known as the Clery Act. UCI Police Department has the primary responsibility to issue zotALERTS, Crime Alerts and Community Advisories on behalf of UCI and the UCI Medical Center. This policy serves as UCI’s institutional policy for decision making and the issuance of such notifications to the UCI and UCI Medical Center campuses.

315.3 DEFINITIONS
zotALERT Notifications: Will normally be issued, as set forth in this policy, utilizing mass text messaging and email and will be based on the best professional judgment of on-duty personnel. Emergency Notifications may be made utilizing other methods of communication to segments of the community, separate and apart from mass text messaging and email system, in compliance with the Clery Act. zotALERT Notifications are issued to the UCI and/or UCI Medical Center campus communities immediately upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on either campus.

Crime Alert Notifications: Will be issued based on the determination of UCI Police Department personnel, as set forth in this policy. Crime Alerts will be distributed community-wide, determined on a case-by-case basis in light of all the facts surrounding a Clery Act crime including, but not limited to such factors as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. Crime Alert Notifications issued to the UCI and/or UCI Medical Center campus communities for any Clery Act crime that occurs on UCI Clery Act geography that is considered by the UCI Police Department, to represent a serious or continuing threat to students and employees occurring on either campus.

Community Advisories: Are not required notifications under the Clery Act. However, depending on the circumstances of a particular case, notification of non-Clery crimes, or Clery Act crimes that do not rise to the level of issuing a Crime Alert, will be made to specific segments of the UCI community, as deemed necessary by the UCI Police Department. Community Advisories issued for any other suspicious circumstances, events, persons, and/or crimes, that are not one of the enumerated Clery Act crimes, where an advisory notification to a specific segment of the UCI and/
or UCI Medical Center campus communities is warranted, as deemed necessary by UCI Police Department personnel.

315.4 ZOTALERT PROCEDURES

I. STEP 1: Procedure to Determine zotALERT Notifications for Criminal Activity or Public Safety Situations

1. A zotALERT emergency notification for criminal activity or public safety situations will serve to immediately notify the UCI campus community when the UCI Police Department Watch Commander on-duty has:

   (a) "Confirmed" (i.e. confirmation) that there is a significant emergency or dangerous situation, in response to a criminal activity or public safety situation, involving an immediate threat to the health or safety of students and employees occurring on the UCI campus and/or UCI Medical Center campus. A confirmation decision will be made given all of the information that has been reported to the UCI Police Department and that is known at the time of the decision; and

   (b) "Immediate Threat": means an imminent or impending threat.

   (c) "Confirmation": means that an official(s) has verified that a legitimate emergency or dangerous situation exists. This does not mean that all pertinent details are known or even available at the time that an emergency or dangerous situation is confirmed. See section, “Confirmation for zotALERT Significant Emergency or Dangerous Situations Involving Disease or Illness Outbreak, Weather and/or Hazardous Materials” below for additional information and guidance on organizations and other personnel involved in the “confirmation” process for these types of potential zotALERT situations.

2. Once the Watch Commander has made the decision to issue a zotALERT notification, the Dispatcher(s) on-duty will draft and initiate the zotALERT notification system via the mass notification system for significant emergencies or dangerous situations at the UCI campus.

   (a) The zotALERT mass notification system by default notifies the entire UCI community via community-wide email. For individuals on the UCI campus who have opted-in, a zotALERT message is sent via text message to mobile devices as well

   (b) The zotALERT notification procedures at UCI Medical Center are different than the procedures at UCI. For specific issuance procedures for incidents at UCI Medical Center, see section 359.3.2, “Procedures for UCI Medical Center” below.

   (c) While notification to UCI Police Department Management Chain of Command for issuing a zotALERT is suggested (i.e. notification to the Operations Lieutenant, Support Services Lieutenant, Public Safety Division Lieutenant, Assistant Chief of Police, and/or Chief of Police), such notification to the Chain of Command is not necessary when time is of the essence. The Watch Commander on-duty must make the determination to issue a zotALERT notification immediately, without delay, upon confirmation of a significant emergency or dangerous situation, as set forth in this policy. It is the primary responsibility of the Watch Commander on-duty to make a zotALERT notification determination for both UCI and the UCI Medical Center and
then the Dispatcher(s) on-duty, or other personnel as set forth in this policy, will draft the zotALERT message and initiate the mass notification procedures at UCI for issuing out the zotALERT notification or confirmed significant emergencies and dangerous situations that pose an immediate threat at the UCI Medical Center, other notification methods may be utilized to issue a zotALERT emergency notification, as noted in section 359.3.2. “zotALERT Notification Procedures for UCI Medical Center” below.

(d) In addition to the Watch Commander on-duty, the Operations Lieutenant, Support Services Lieutenant, Emergency Services Director, Assistant Chief of Police and Chief of Police have authority to make a determination as to whether a zotALERT notification needs to be issued.

3. If UCI Police Department implements the notification procedures for a zotALERT, it may not be required to implement the notification procedures for a Crime Alert (a Crime Alert is a separate Clery Act required notification). However, this decision will be made on a case-by-case basis.

4. Examples of the types of emergency and dangerous situations that may present an immediate threat to the UCI and/or UCI Medical Center community include, but are not limited to:
   - In-progress serious or violent crime;
   - Earthquake;
   - Active shooter;
   - Hostage / barricade situation;
   - Riot / civil unrest;
   - Bomb threat;
   - Suspicious package with confirmation of a device;
   - Tornado;
   - Fire / explosion;
   - Homicide or suspicious death;
   - Structural damage to a UCI-owned or controlled facility;
   - Biological threat;
   - Significant flooding;
   - Gas leak;
   - Hazardous materials spill (e.g. chemical, biological, radiological, nuclear);
   - Armed intruder;
   - Illness outbreak.
   - Other types of emergencies or dangerous situations may arise at any time and will be analyzed on a case-by-case basis based on each situation.
Emergency Notifications ("zotALERTS") and Community Advisories

II. Confirmation for zotALERT Significant Emergency or Dangerous Situations Involving Disease or Illness Outbreak, Weather and/or Hazardous Material

The confirmation process for “confirming” other types of significant emergencies or dangerous situations, not directly related to criminal activity or public safety situations, may involve input and consultation from additional UCI and UCI Medical Center departments and personnel, as noted below and as needed, in addition to the UCI Police Department authorized personnel as set forth in this policy.

- Disease or Illness Outbreak: significant emergencies or dangerous situations involving a disease or illness outbreak at UCI may be confirmed by members of the UCI Public Health Advisory Committee, UCI Student Health, UCI Emergency Services Director, Orange County Health Care Agency (OCHCA) and/or Environmental Health & Safety (EH&S).
- Weather: significant emergencies or dangerous situations involving weather at UCI may be confirmed by the UCI Emergency Services Director, the Orange County Operational Area and/or sources from the National Oceanic and Atmospheric Administration (NOAA) and/or the National Weather Service (NWS).
- Hazardous Materials: significant emergencies or dangerous situations involving hazardous materials at UCI may be confirmed by UCI EH&S department, UCI Facilities Management, the UCI Emergency Services Director, the UCI Police Department Watch Commander on-duty and/or personnel from Orange County Fire Authority (OCFA)

III. STEP 2: PROCEDURE TO ISSUE AND SEND OUT zotALERT NOTIFICATIONS

1. zotALERT Notification Procedures at UCI

Once the decision has been made to issue a zotALERT notification utilizing the mass email and text messaging system or other communication method(s) for emergency notifications at the UCI campus, the Dispatcher(s) on-duty will draft the zotALERT notification and initiate sending out the message. The Dispatcher(s) on-duty must use every effort to draft and send out the zotALERT message themselves. For other methods of emergency communication, separate and apart from the mass email and text messaging system, see section 359.3.5, “Other Emergency Notification Communication Methods and Systems at UCI” below.

In the event of an extreme circumstance / emergency situation, and as an absolute last resort, if the Dispatcher(s) on-duty is unable to draft and initiate sending out the zotALERT notification, it is the responsibility of the Dispatcher(s) on-duty to notify the Watch Commander on-duty if the Dispatcher(s) is completely unavailable to draft and send out the zotALERT notification given the extreme circumstance / emergency situation. Then, and only then, the individuals listed below may be contacted by the Dispatcher(s) on-duty and/or Watch Commander on-duty to assist with drafting and sending out the zotALERT notification:

(a) Dispatch Supervisor;
(b) Emergency Services Director;
Emergency Notifications (“zotALERTS”) and Community Advisories

(c) Operation Division Lieutenant;
(d) Support Services Division Lieutenant;
(e) UCI Health Public Safety Division Lieutenant.

The zotALERT mass email and text messaging system is limited to 160 characters (including spaces) per message sent and therefore brevity is important. A second zotALERT message should be issued if more than 160 characters in the first zotALERT are necessary. The second message should begin, "zotALERT 2 of 2."

The Office of Information Technology (OIT) will automatically convert the zotALERT text message and distribute it via e-mail to all valid UCInetIDs depending on which campus the zotALERT notification is issued to (i.e. the UCI campus and/or the UCI Medical Center email accounts).

The following items should be included in the zotALERT message, if available:

(a) Always begin the message with the word “zotALERT”;
(b) Type of emergency or dangerous situation that poses an immediate threat to the UCI or UCI Medical Center community;
(c) Time / location of the incident;
(d) Guidance on action to take given the situation (e.g. Shelter-in-Place, Evacuate, etc.);
(e) Suspect description information, if available, relevant and necessary.

Note: a suspect’s name should only be included in the zotALERT message only if relevant and necessary. Otherwise, do not include a suspect’s name in the zotALERT notification. Per federal law, NO crime victim name or personally identifying information for or about the crime victim is allowed to be included in any zotALERT notification. Additional updates on each zotALERT situation will be issued when and if new information becomes available, until such time that a zotALERT Closure Message is issued, as set forth in this policy.

2. zotALERT Notification Procedures at UCI Medical Center

Once the decision has been made to issue a zotALERT notification utilizing the mass email and text messaging system or other communication method(s) for emergency notifications at the UCI Medical Center campus, the Dispatcher(s) on-duty will draft the zotALERT notification and initiate sending out the message to the UCI Medical Center campus zotALERT system in accordance with the same procedures utilized for the UCI campus set forth above.

Additionally, the Dispatcher on-duty or Watch Commander on-duty (or other police management personnel who may be involved in the issuance of the zotALERT notification) will notify and coordinate with the UC Irvine Health Security and Parking Services Director, or other designee, and/or the UC Irvine Health Director of Environmental Health & Safety / Emergency Manager to issue additional notifications as needed. This emergency notification at the UCI Medical Center campus may be separate and apart from any zotALERT emergency notification issued at the UCI campus as UCI and the UCI Medical Center are two “separate campuses” for purposes of Clery Act compliance and must each separately comply with Emergency Notification and Timely
Emergency Notifications ("zotALERTS") and Community Advisories

Warning requirements as set forth in this policy. The UCI campus and UCI Medical Center campus zotALERT systems and communication lists are separate notification systems.

In addition to the zotALERT email / text message system discussed above, UCI Medical Center also may utilize the following forms of communication for emergency notifications, including but not limited to: Internal Intranet Homepage;

- UC Irvine Health Everbridge (scheduled implementation, late 2016);
- Zot Mail;
- UC Irvine Health Social Media Websites;
- Desktop Computer Screen Savers;
- Desktop Computer Marquee Banners;
- California Healthcare Alert Network (CaHAN).

zotALERT emergency notifications may also be issued by UCI Medical Center emergency management personnel or other on-duty officials at the UCI Medical Center in certain situations utilizing the various forms of other emergency notification communications available at UCI Medical Center, other than the zotALERT mass email / text message notification system. If the UCI Medical Center has independently issued a zotALERT emergency notification, the UCI Police Department may not be required to issue such a notification as well.

3. Exceptions to Issuing a zotALERT Emergency Notification

The only exceptions to issuing a zotALERT emergency notification are whether a notification will, in the judgment of UCI Police Department first responders, (or other first responders who may respond to a given situation), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. This exception should not be construed broadly and is a very limited / narrow exception that will apply in rare circumstances only. When in doubt, a zotALERT emergency notification should be issued to the UCI and/or UCI Medical Center communities when there is confirmation of an emergency or dangerous situation that poses an immediate threat to the health or safety of students and employees on the UCI and/or UCI Medical Center campus.

315.5 Zotalert Closure Message

When a zotALERT message is issued, a follow-up zotALERT Closure Message should be issued when the emergency or dangerous situation no longer poses an immediate threat, is under control, and/or the guidance provided in the zotALERT is no longer required.

- Sample Template Closure Message Script: “zotALERT The situation is all clear. Resume normal activity.”

315.6 Annual Notification to Members of the UCI Community

All members of the UCI and UCI Medical Center communities (prospective and current students, staff and faculty) are notified on an annual basis via the Clery Act Annual Security Report
publication that they should notify the UCI Police Department of any situation or incident that involves a significant emergency or dangerous situation that may involve an immediate, serious or continuing threat to the health or safety of students and/or employees at either the UCI campus or the UCI Medical Center campus. UCI Police Department has a duty to respond to such incidents to determine if the situation does, in fact, pose an immediate, serious or continuing threat.

315.7 OTHER EMERGENCY NOTIFICATION COMMUNICATION METHODS AND SYSTEMS

I. At UC Irvine

UCI has other various communication methods and systems in place, in addition to the zotALERT mass text message and email system, for broadcasting and sending out information quickly to the UCI community. Some or all of these additional methods of emergency communication may be activated in the event of a significant emergency or dangerous situation that poses an immediate threat to the UCI and/or UCI Medical Center communities involving an emergency or dangerous situation. Such methods and systems include, but are not limited to:

(a) Campus Voice Mail;
(b) Alertus Desktop Notification;
(c) Student Portal Announcements;
(d) KUCI Radio Station;
(e) Zot Radio WQTB 1690 AM /KUCI Radio FM 88.9;
(f) Zot Mail;
(g) Marquee Message Boards;
(h) UCI Social Media Websites / UCI Police Department Social Media Websites (e.g. Blog, Facebook, Twitter, Nixle, Google+);
(i) UCI Homepage;
(j) UCI Preparedness Website
(k) Messages to Smart Classrooms;
(l) 866-IRV-NEWS (MIR3);
(m) Call Experts – Call Center;
(n) UCI Police Department Vehicle Public Address Systems, Bull Horns, etc.;
(o) 800 MHz Radios with Campus Channels;
(p) 800 MHz Radios with OC Channels;
(q) Department Phone Listings;
(r) Building Fire Alarm Systems.

II. At UCI Medical Center

UCI Medical Center has various communication methods and systems in place in addition to the zotALERT mass text message and email system, for broadcasting and sending out information quickly to the UCI community. Such methods and systems include, but are not limited to:

(a) UC Irvine Health Everbridge (scheduled implementation, late 2016);
(b) Internal intranet homepage;
(c) Zot Mail;
(d) UC Irvine Health Social Media Websites;
(e) Computer Terminal Screen Savers;
(f) Computer Terminal Marquee Banners;
(g) California Healthcare Alert Network (CaHAN);
(h) UC Irvine Health Social Media Websites;
(i) UC Irvine Health Desktop Marquee Banners;
(j) UC Irvine Health Computer Terminal Screen Savers.

315.8 TIMELY WARNINGS (CRIME ALERT) PROCEDURES
STANDARD FOR ISSUING A CRIME ALERT NOTIFICATION

In order to help safeguard the UCI and UCI Medical Center communities, to increase crime awareness and to meet the Clery Act Timely Warning ("Crime Alert") requirements, a UCI and/or UCI Medical Center Crime Alert will be issued following the report of a Clery Act crime that is made to the UCI Police Department and that meets the Clery Act timely warning standard, triggering the Crime Alert notification procedures set forth below. Issuance of a Crime Alert is not required based on the same circumstances and factors as a zotALERT notification (i.e. an Emergency Notification under the Clery Act).

UCI Police Department is required to notify the UCI and/or UCI Medical Center communities of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. These notifications are called Timely Warnings (referred to as “Crime Alerts” at UCI) under the Clery Act. Although the Clery Act does not define the word “timely,” because the intent of a warning regarding a criminal incident(s) is to allow people to take precautions for their personal safety, this means that a Crime Alert should be issued as soon as pertinent information about the crime is available. Even if not all of the facts surrounding a criminal incident(s) are available, UCI Police Department will issue a Crime Alert for any reported Clery Act crime(s) that meets the criteria set forth below, in accordance with the determination guidelines for deciding whether a Crime Alert should be issued on a case-by-case basis. UCI Police Department may follow up with additional information as it becomes available (if follow up information is deemed necessary).

Clery Act Crime Alert Standard:

A Crime Alert must be issued community-wide for any Clery Act crime where such Clery Act crime is reported to the UCI Police Department or to a Campus Security Authority.
Emergency Notifications ("zotALERTS") and Community Advisories

("CSA"), who in turn reports the crime to the UCI Police Department, and the reported crime is considered by the UCI Police Department to represent a serious or continuing threat to students and employees.

1. The determination to issue a Crime Alert is made on a case-by-case basis in light of all of the facts surrounding a reported Clery Act crime including, but not limited to factors such as:
   - The nature of the crime;
   - The continuing danger to the campus community;
   - The possible risk of compromising law enforcement efforts;
   - Whether a suspect has been apprehended and/or arrested;
   - Whether there has been a pattern or series of similar crime;
   - The potential risk of others becoming a victim of similar crimes.

2. Clery Act crimes include the following:
   - Criminal Homicide (Murder, Negligent Manslaughter and Non-Negligent Manslaughter);
   - Sex Offenses: Rape, Fondling, Incest, Statutory Rape;
   - Robbery;
   - Aggravated Assault;
   - Burglary;
   - Motor Vehicle Theft;
   - Arson;
   - Hate Crimes;
   - Domestic Violence;
   - Dating Violence;
   - Stalking.

315.9 DETERMINATION TO ISSUE A CRIME ALERT NOTIFICATION

The decision making authority to issue a Crime Alert is granted to the following personnel when a Clery Act crime is reported to the UCI Police Department (i.e. reported directly to the UCI Police Department or to a Campus Security Authority ("CSA") who in turn submits a CSA Report in a timely manner to the UCI Police Department) and is considered by such personnel to represent a serious or continuing threat to students and employees.

1. Crime Alert Decision Making Authority:
   - Chief of Police;
   - Assistant Chief of Police;
2. The UCI Police Department may elect not to issue a Crime Alert, when circumstances may otherwise exist to issue a Crime Alert, in very limited circumstances, only if:

(a) The UCI Police Department or other law enforcement agency apprehends the suspect(s) of a Clery Act crime and the serious or on-going threat to students and employees of the UCI and/or UCI Medical Center community has been mitigated and/or removed by the apprehension or arrest of such suspect(s), or if it is otherwise determined by a member of the UCI Police Department (who holds Crime Alert Decision Making Authority) that a serious or on-going threat does not exist after the report of a Clery Act crime is made to the UCI Police Department.

(b) A crime report was not filed with the UCI Police Department or if the UCI Police Department was not notified of the Clery Act crime report in a manner that would allow the UCI Police Department to issue a “timely” warning to the UCI and/or UCI Medical Center community. The determination as to “timeliness” will be made on a case-by-case basis for each reported Clery Act crime. A general guideline that will be considered by the UCI Police Department when making this determination will include a report of a Clery Act crime that is filed more than 10 days after the date of the alleged incident as such a report may not allow UCI Police Department to issue a Crime Alert that is “timely” to the UCI and/or UCI Medical Center communities. However, this 10 day general guideline does not prevent a Crime Alert from being issued if other Crime Alert decision making factors otherwise warrant that a Crime Alert should be issued in a particular case. This type of situation and determination will be evaluated on a case-by-case basis by a member of the UCI Police Department who has Crime Alert Decision Making Authority.

3. The UCI Police Department may elect to delay issuing a Crime Alert for a very short period of time in limited circumstances, only if it determines that a Crime Alert will jeopardize a criminal investigation. If it is determined by the Chief of Police, Assistant Chief of Police, or a Lieutenant that issuing a Crime Alert will jeopardize a criminal investigation, certain information may be withheld from the Crime Alert or the issuance of a Crime Alert will be delayed until the criminal investigation is no longer likely to be jeopardized from the release of that information. Additionally, before a Crime Alert is issued, consideration will be given to notifying a crime victim(s) before Crime Alerts are issued to the UCI and/or UCI Medical Center communities.

4. Exemption for Pastoral and Professional Counselor Reporting: Under the Clery Act, the issuance of a Crime Alert is not required with respect to Clery Act crimes that are reported to a pastoral counselor or professional counselor at UCI and/or UCI Medical Center who is practicing within the scope of his/her license, or such person who is otherwise determined to be exempt or otherwise not required to report crimes under the Clery Act (i.e. individuals not designated Campus Security Authority reporter).
**Emergency Notifications (“zotALERTS”) and Community Advisories**

**315.10 CRIME ALERT EVALUATION FORM**

For any Clery Act crime that is reported to the UCI Police Department, a Crime Alert Evaluation Form will be completed and authorized primarily by the Investigations Division Lieutenant (or other member of the UCI Police Department Management Team who has Crime Alert Decision Making Authority). This form will serve to document the decision making process for determining whether conditions existed, at the time of the reported Clery Act crime, to issue a Crime Alert to the UCI and/or UCI Medical Center community.

Decisions to issue Crime Alerts are made on a case-by-case basis in light of all of the facts surrounding a Clery Act crime reported to the UCI Police Department. These Crime Alert Evaluation Forms will be kept in the UCI Police Department’s Administrative Clery Act files for the calendar year in which each evaluation decision is made, in accordance with the applicable Clery Act records retention requirements. A copy of the UCI Police Department police report (once approved by the Records Unit) may accompany each Crime Alert Evaluation Form for documentation purposes.

**315.11 CRIME ALERT DISTRIBUTION PROCESS**

The Crime Alert distribution process will include:

1. A ZotMail (i.e. the community-wide email system) email notification to the UCI and/or UCI Medical Center community in order to reasonably reach all students, staff and faculty.

2. The Crime Alert distribution process may additionally include any of the following:

   (a) Physical postings of Crime Alert bulletins in impacted areas by local personnel (e.g. in residential areas by residential life / student housing staff); and/or

   (b) Electronic postings on the UCI Police Department webpage at www.police.uci.edu. It is the general policy of the UCI Police Department to post Crime Alerts on the UCI Police Department webpage during the calendar year in which the Crime Alert is issued. Past Crime Alerts will be archived on the UCI Police Department webpage under the calendar year in which they were reported, unless determined otherwise by members of the UCI Police Department Management Team. UCI Police Department may also post Crime Alerts on social media pages, which include, but are not limited to: Facebook: [http://facebook.com/UCIrvinePD](http://facebook.com/UCIrvinePD); Twitter: [http://twitter.com/UCIrvinePD](http://twitter.com/UCIrvinePD); Nixle:[http://nixle.com/University-of-California-Irvine-Police-Department](http://nixle.com/University-of-California-Irvine-Police-Department).

**315.12 COMMUNITY ADVISORIES**

Depending upon the circumstances of a particular case, incident or crime report, notification of particular crimes that are not Clery Act crimes, or incidents that do not rise to the level of where a Crime Alert may be required, may be made by the UCI Police Department to specific segments of the UCI and/or UCI Medical Center communities. Community Advisories may be limited to a clearly defined segment(s) of the community based on the facts of the particular situation in which a Community Advisory is being issued (e.g. crimes targeting campus resident students, crimes targeting research laboratories, crimes targeting specific campus populations, etc.).
Members of the UCI Police Department Management Team (i.e. Chief of Police, Assistant Chief of Police, Operations Division Lieutenant, Support Services Division Lieutenant, Public Safety Lieutenant, Emergency Services Director and Director of Administration) may decide that a crime or other incident that has occurred on or near the UCI or UCI Medical Center campuses warrants the issuance of a Community Advisory notification.

A Community Advisory may be issued for a specific campus population and may be sent out to key UCI and/or UCI Medical Center department contact personnel for notification to their respective populations, as deemed necessary by the UCI Police Department. The issuance of a Community Advisory notification in one situation does not set a precedent for the issuance or non-issuance of a Community Advisory notification in another situation. Community Advisories will be issued by UCI Police Department personnel as deemed appropriate on a case-by-case basis. Community Advisory notifications are not required by the Clery Act and are a tertiary level of notification available to the UCI Police Department to assist in helping to create a safe community at UCI and UCI Medical Center.
Native American Graves Protection and Repatriation

316.1 PURPOSE AND SCOPE
This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

316.1.1 DEFINITIONS
Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

316.2 POLICY
It is the policy of the University of California Irvine Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

316.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT
Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.
Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

316.4 EVIDENCE AND PROPERTY
If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).
Gun Violence Restraining Orders

317.1 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.

317.1.1 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).

317.2 POLICY
It is the policy of the University of California Irvine 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.

317.3 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 an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

317.4 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).
Gun Violence Restraining Orders

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Analyst 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.

317.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS
If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to the Records Bureau for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

317.5 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.
Gun Violence Restraining Orders

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.

317.6 RECORDS ANALYST RESPONSIBILITIES

The Records Analyst 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) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) 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).

317.7 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.

317.8 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.
Crowd and Demonstration Management

318.1 INTRODUCTION
In the United States all people have the right of free speech and assembly guaranteed by the First Amendment of the Constitution. The First Amendment states "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

A fundamental role of law enforcement is the protection of the rights all people have to peacefully assemble, demonstrate, protest, or rally. In turn, law enforcement also has the responsibility to ensure public safety and to protect the lives and property of all people. The sometimes competing goals of maintaining order while protecting the freedoms of speech and assembly stand as one of law enforcement's greatest challenges.

318.1.1 PURPOSE AND SCOPE
This Policy is to provide an outline of basic steps to be taken and/or considered by the UC Police Department in the management of demonstrations. "Demonstration", for the purposes of this policy, is any public assembly or gathering and includes a wide range of First Amendment activities. Such activities generally include participants, onlookers, observers, media, and other persons who may agree or disagree with the point of view of the activity. This policy also covers all events or crowd situations, including sporting events, festivals, concerts, celebratory crowds, and demonstrations as defined above.

Crowd behavior exists on a continuum ranging from lawful assembly to civil disobedience to rioting. Not all crowd situations involve unlawful behavior. Law enforcement's responsibility is to objectively discern at what juncture a demonstration leaves the realm of legal protest and becomes an abridgement of the rights of others. Law enforcement should seek to facilitate lawful expression by groups who are present even when unlawful activity occurs. The goal should be to protect lawful activity while identifying and isolating unlawful behavior.

318.2 UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT OBJECTIVES
Law enforcement must carefully balance the First Amendment rights and other civil liberties of individuals with the interventions required to protect public safety and property. When establishing policies and procedures, every agency should consider that all persons have the right to assemble, demonstrate, protest, rally, or perform other activities protected by the First Amendment of the United States Constitution. Law enforcement has the responsibility to protect the lives and property of all people. Peace officers must not be affected by the content of the opinions being expressed nor by the race, gender, sexual orientation, physical disabilities, appearances, religion, or political affiliation of anyone exercising their lawful First Amendment rights. They must have the integrity to not let personal, political, or religious views affect how they perform their duties.
Law enforcement planners should be proactive in consulting and collaborating with their campus' administrative leaders of the identified strategies and plans for specific events. Such interactions will help establish responsibility and accountability at all levels.

Issues to consider (not in priority order):

- Protection of Constitutional rights;
- Fair and impartial enforcement of laws;
- Protection of life and property;
- Protection of vital facilities;
- Prosecution of violators;
- Public and peace officer safety;
- Potential for disruption to commerce and community affairs.

318.3 PRINCIPLES OF CROWD MANAGEMENT

Any public assembly or gathering, whether for lawful or unlawful purposes, may require the response of law enforcement. The response can range from observation to engaging in various crowd management strategies. Not all crowd situations involve unlawful behavior. UCPD's responsibility is to objectively discern at what juncture a demonstration leaves the realm of legal protest and becomes an abridgement of the rights of others. UCPD should seek to facilitate lawful expression by groups who are present even when unlawful activity occurs. The goal should be to protect lawful activity while identifying and isolating unlawful behavior.

Effective response to crowd management events necessitates adherence to certain foundational principles (not in priority order):

- Leadership;
- Knowledge of Constitutional law;
- Knowledge of law and University policies as they relate to use of force and information gathering;
- Proper planning;
- Participation in the University event planning team;
- A willingness to reach out to protest groups and stakeholders;
- Using time, patience, and communication to attempt to facilitate lawful protest activities and obtain voluntary compliance when feasible;
- Use of the Incident Command System (ICS) and Standardized Emergency Management System (SEMS) to maximize proper command and control;
- Appropriate use of the UC and the statewide mutual aid systems;
- Seeking support of University and public agency resources;
Crowd and Demonstration Management

• Training;
• Situational awareness;
• Proper incident documentation;
• Thorough and complete criminal investigations;
• Effective strategies and tactics;
• Objectively reasonable use of force;
• Liaison with the media and a well-managed media relationship;
• Understanding and working with social media and electronic communication.

318.4 UNIVERSITY AND COMMUNITY STAKEHOLDERS
Stakeholder involvement is critical for effective law enforcement response to crowd management events. UCPD shall embrace collaboration with stakeholders when planning for and responding to public assemblies and gatherings. Stakeholders may include (not in priority order):

• Chancellor's office;
• University administration;
• Academic Senate leadership;
• Student government;
• Labor organizations;
• Student group leadership;
• Religious groups/clergy;
• Local city/county administration;
• Special interest groups.

318.5 INCIDENT COMMAND SYSTEM (ICS)
The ICS is considered the model for managing the response to critical incidents including crowd management and civil demonstrations. Law enforcement's use of ICS is outlined in the Law Enforcement Guide for Emergency Operations.

ICS consists of the following five organizational levels that are activated as necessary:

• Field Response;
• Local Government;
• Operational Area;
• Region;
• State.
Crowd and Demonstration Management

The Field Response Level also consists of five primary Incident Command System functions:

- Command;
- Operations;
- Planning/Intelligence;
- Logistics;
- Finance/Administration.

318.6 INCIDENT / EVENT PLANNING
Planning and preparation are essential elements of effective crowd management. The planning process establishes a foundation for informed decision-making and accountability. For pre-noticed events, UCPD has the opportunity to develop in-depth operational plans. Prior planning experiences and after-action reports can provide a basic level of guidance and operational consistency when planning for pre-noticed events and responding to spontaneous incidents.

UCPD leadership in conjunction with the University's event planning team will apply the principles of the Incident Command System when developing operational plans, to include the use of ICS forms.

Incident/event planning steps may include (not in priority order):

1. Determining command and control.
   a. Establishing senior campus administration leadership;
   b. Identifying incident, operations, and tactical commanders;
   c. Outlining the circumstances in which command and control responsibilities transfers to another level;
   d. Identifying staffing requirements for department operations center and/or emergency operations center.

2. Identifying and establishing incident objectives.

3. Developing a flexible operations plan.

4. Identifying partner law enforcement agencies (local, state, and federal as applicable).

5. Considering cross-jurisdictional issues.

6. Contacting police agencies that have prior experience with similar events or groups.

7. Identifying and conferring with other city/county/state agencies that can contribute logistical support.

8. Determining operational security needs.

9. Developing protocols for event information gathering and disseminating.
10. Meeting with event organizers.

11. Identify potential protest groups and offering to meet with them.

12. Meeting with advocacy groups and other stakeholders.

13. Researching applicable laws/ordinances/regulations.
   a. Considering reasonableness of any "Time, Place and Manner" restrictions.

14. Reviewing use of force policies and procedures, including:
   a. Level of authorization required;
   b. Authorized equipment/tools/techniques;
   c. Reporting protocols.

15. Reviewing parameters and methods for declaring an "unlawful" assembly.

16. Planning for media contact, including:
   a. Establishing procedures for information dissemination;
   b. Identifying Public Information Officer(s);
   c. Establishing procedures for media access;
   d. Establishing staging area(s).

17. Outlining crime investigation/arrest protocols.
   a. Multi-agency/jurisdictional events.

18. Identifying and arranging for specialized support units (e.g., mounted, bicycles, other special vehicles, air or marine support, mobile field force, haz-mat).

19. Considering the use of plain-clothes resources.

20. Arranging for adequate administrative/support personnel (e.g., communications, transportation, booking, records, detention, medical).

21. Setting up logistical support for officers.
   (a) Food and water;
   (b) Rest intervals;
   (c) Specialized equipment;
   (d) Personal protective equipment;
   (e) Mass-arrest supplies;
   (f) Spare vehicles and fuel;
   (g) f. Property and evidence control;
   (h) Storage;
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(i) Consideration for bio-hazards;
(j) Security of key facilities and staging areas;
(k) Decontamination.

22. Considering interoperability issues (e.g., individual communications such as radios and cell phones).
   a. Developing a communications plan.

23. Identifying available translators when needed.

24. Arranging for other equipment (e.g., barriers, fencing, cutting equipment, containment alternatives).


26. Developing a demobilization plan.

27. Considering post-event scene stabilization to prevent recurrence of unlawful activity.
   a. Methods and resources;
   b. Short-term requirements;
   c. Long-term requirements.

28. Ensuring timely post-event debriefing.

29. Considering soliciting input from event organizers.

30. Producing a written after-action report outlining lessons learned and training opportunities.
   a. Establish a retention plan for operational plans and after-action reports;
   b. Reviewing standing plans for effectiveness.

318.7 CROWD BEHAVIOR

UCPD must be aware of the various types of behaviors associated with crowds that may result in a law enforcement response. Although crowds tend to be categorized as either lawful or unlawful, they are often a blend of both and the individuals involved can engage in various behaviors. These behaviors can vary from lawful assembly to individual criminal acts to civil disobedience to rioting. If feasible, UCPD officers should identify and isolate unlawful behavior.

A sampling of crowds and crowd behaviors (not in priority order):

Crowds:

- Anarchists
- Community celebrations
- Crime scenes
- Disasters
• Entertainment events
• Labor disputes
• Media events
• Controversial speakers and events
• Mobile crowds
• Flash mobs
• Parades
• Parties/social gatherings
• Political events
• Product release/commercial activity
• Social agenda driven events (e.g., abortion, animal rights, jury decisions, environmental issues, religious, etc.)
• Sporting events
• Traffic collisions

Crowd Behaviors:
• Lawful
• Violations of student conduct/civil disobedience
• Isolated unlawful
• Unlawful
• Riotous

318.8 MUTUAL AID AND MULTI-AGENCY COORDINATION
The size and magnitude of an event requiring UCPD response will dictate the need for multi-agency coordination and cooperation to efficiently provide adequate mutual aid resources. Critical elements of applying mutual aid to an event will include pre-event planning (if possible), well-defined missions and objectives, specific uniform and equipment requirements, identified staging areas and incident facilities, adequate briefings, an incident action plan, use of force considerations, communication plan, arrest protocols, logistical support (food, lodging, rest intervals, etc.), and financial agreements (if contractual mutual aid for a planned event).

318.9 PUBLIC AGENCY AND COMMUNITY BASED RESOURCES
Collaborating with other public agencies and community-based resources is necessary for effective law enforcement response to crowd management events. UCPD should use available public agency and community-based resources when planning for and responding to crowds.

Public agency and community-based resources may include (not in priority order):
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- Adjacent law enforcement agencies (i.e., mutual aid);
- District Attorney/ University Counsel;
- EMS providers/ambulance services;
- Fire services;
- Hospitals;
- Judiciary;
- Parole and probation;
- Public health services;
- Transportation Departments;
- Facility Departments/Public works;
- Red Cross/Salvation Army or other similar service providers;
- Animal control;
- Utility companies;
- Social services;
- California Emergency Management Agency.

318.10 TRAINING FOR MANAGING CROWDS
It is important to prepare for incidents through recurring training and simulation exercises. Command personnel need to understand resources, operational strategies, capabilities, force options, and limitations of field forces as well as the law and policies. Operational personnel need to understand the law, policy, tactics, and mission objectives.

Officer discipline and restraint is an essential component in successfully managing crowds. Discipline is achieved through regular training in the areas of tactical fundamentals and First Amendment rights. Training should be an ongoing process. Training should be relevant and realistic.

Training may include (not in priority order):
- Agency policies and procedures;
- Arrest and control techniques;
- Baton/impact weapon techniques;
- Case and statutory law;
- Command decision-making;
- Crowd dynamics;
- Incident Command Post and field exercises;
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- Intervention strategies;
- ICS/SEMS;
- Less-lethal kinetic energy munitions;
- Mass-arrest;
- Media relations;
- Mobile Field Force;
- Mutual aid;
- Nonlethal chemical agents;
- Supervisory leadership;
- Tactical decision-making
- Team arrest techniques.

318.11 INFORMATION GATHERING AND ASSESSMENT

Gathering and analyzing information about an event can dramatically increase the effectiveness of an UCPD’s planning and response to incidents involving crowd management. When estimating the impact of an anticipated event,

UCPD must consider the need to:

a. Protect the rights of persons to lawfully assemble and express their opinions;

b. Preserve the peace;

c. Deploy officers for crowd and traffic control.

The collecting of information must be for a reasonable law enforcement purpose and be mindful of Constitutional rights. A reasonable law enforcement purpose means that the information being collected is intended to:

a. Assist the agency in facilitating event-related activities;

b. Assist the agency in providing a public safety response;

c. Address unlawful conduct*either past, present, or anticipated;

d. Not solely focused on the exercise of rights guaranteed by the First Amendment.

A pre-event assessment may include:

(a) Determining the time of assembly, duration of event, location, and type of activities planned;

(b) Estimating the number of persons expected to participate or observe;

(c) Reviewing any previous events involving the same or similar groups.

(d) Assess actions and equipment utilized by groups in prior incidents;
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(e) Analyzing the expected time of arrival and departure, and the means and routes of travel for participants;
(f) Attempt to determine impact on public transportation, freeways and roadways;
(g) Attempt to determine impact on commerce and public accessibility;
(h) Analyze potential activities and hazards along the route;
(i) Analyzing the potential for opposing/counter groups;
(j) Assessing public safety concerns associated with the event.

When gathering information about groups and their actions, UCPD should confer with University legal counsel regarding guidelines and court decisions related to the collection and dissemination of information.

318.12 INCIDENT DOCUMENTATION

Thorough documentation is a key element which supports not only criminal investigation and prosecution, but also gives an account of UCPD’s response to an event. Documentation should begin with the planning process. Proper documentation can aid UCPD in addressing complaints, civil litigation, and requirements for potential reimbursement. UCPD should ensure record retention protocols are followed.

Use of force should be reported consistent with agency policy. UCPD shall ensure that use of force is accounted for and reported to the Incident Commander prior to the conclusion of the law enforcement response. UCPD should anticipate that all documentation, including electronic communications, may be subject to subpoena and Public Records Act, Government Code §6250€š”6270 requests.

Methods of documentation may include (not in priority order):

- Still photography;
- Audio recording;
- Video recording;
- Written log/journal;
- Reports (including after-action reports and any appropriate ICS forms);
- Media reports/open source footage;
- Communication, dispatch tapes and printouts.

Subjects to be documented may include (not in priority order):

- Pre-event planning;
- Incident/Event Action Plan;
- Records of law enforcement decisions and information;
- Records of law enforcement actions in response to the event;
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- Property damage;
- Injuries and claims of injuries (participants and law enforcement);
- Collective and individual behavior of participants;
- Individual arrests;
- Individual officer's actions;
- Use of force;
- Evidence/property collected;
- After-action report.

318.13 COMMAND AND CONTROL
UCPD should use the Incident Command System (ICS) as a basis to structure a law enforcement response to crowd management events. The Incident Commander is in command of the event. The Incident Commander must establish the objectives of the incident action plan, consider new information, continually re-evaluate the situation, assess available resources, and balance competing demands to best achieve incident objectives.

Establishing a clear command structure during an incident is essential. Unity of command is the concept that each officer is assigned to only one supervisor. It clearly identifies the individual in charge of any specific group of officers, function or assignment. Unity of command provides for effective management of both pre-planned and spontaneous events.

When responding to a spontaneous event, individuals of any rank may serve as Incident Commander until relieved by a ranking officer. All personnel should be trained in the Incident Command System.

A key principle for establishing unity of command is that each individual in a command or supervisory role knows the following:

- To whom he/she reports;
- His/her role, responsibilities, and objectives;
- What resources are allocated and available;
- His/her geographical or functional area of operation.

The transfer of command, at any level, requires the person assuming command to:

- Assess the situation with the current Incident Commander;
- Receive a briefing from the current Incident Commander;
- Determine an appropriate time for the transfer of command;
- Document the transfer of command;
- Notify others of the change of command.
318.14 LEADERSHIP RESPONSIBILITIES
A key component to the success of any crowd management event is that all personnel demonstrate competent leadership, regardless of rank. Effective leaders are accountable, organized, and decisive; they delegate appropriately, provide clear direction, and lead by example. Leadership at critical incidents should be guided by UCPD policies, procedures, and the law.

Leadership responsibilities may include (not in priority order):

- Understanding and maintaining focus on the objectives;
- Being available for decision-making;
- Accepting responsibility;
- Being proactive to reasonably control emotional responses of on-scene personnel;
- Making adjustments to operational tempo as needed;
- Communicating throughout the chain of command as required;
- Instilling confidence;
- Emphasizing teamwork and avoiding individual action;
- Recognizing and addressing safety concerns of personnel;
- Continuously reassessing the situation and adjusting the response as necessary.

318.15 CRIMINAL INVESTIGATION
Crowd behaviors that result in criminal activity should be investigated and documented. Statutory offenses may include, but not be limited to, trespass, unlawful assembly, failure to disperse, assault, rioting, vandalism, and conspiracy.

Private person's arrests should be considered when appropriate. Arrests should be based upon applicable laws and advice from prosecutors. Conspiracy charges may be appropriate but are sometimes overlooked. Student conduct violations should be documented and reported to student affairs administrators.

Investigative considerations may include (not in priority order):

- Identifying crimes;
- Consulting with University legal counsel/district attorney prior to and after the event;
- Identifying a master report writer/case agent;
- Identifying an evidence coordinator;
- Gathering documents that may aid in an investigation (including press releases, Internet material, signs, banners, etc.);
- Obtaining available video evidence;
- Reviewing each arrest;
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• Recording specific chants with nexus to unlawful activity and, when possible, identifying who is leading them;
• Photographing/video recording the event;
• Maintaining evidence beyond the criminal prosecution, pending potential civil litigation;
• Collecting samples of weapons (rocks, bottles, etc.) utilized in the commission of a crime.

Evidence considerations for conspiracy investigations may include (not in priority order):

• Clothing and items showing affiliation with similar groups;
• Computers and storage devices;
• Documents (correspondence, address books, journals, etc.);
• E-mail;
• Manifestos;
• Photographs (including criminal activity and assembly site before and after);
• Posts on social media and Internet sites;
• Telephone records;
• Video recordings.

Note: Seizures of some of these items may require a search warrant

318.16 CROWD MANAGEMENT, INTERVENTION, AND CONTROL STRATEGIES
Lawful gatherings may often conclude without any need for law enforcement intervention. Every event should be independently assessed to determine the tactics that will effectively support and facilitate First Amendment activity, and provide for public safety. Tactics employed may evoke a positive or negative response (e.g., a strong "show of force" may calm and disperse a crowd or incite them). The intervention strategies agencies utilize will depend upon available resources and the totality of the circumstances. Crowds and criminal acts committed by participants within the crowd require a flexible response. Strategies include containment, control, communication, tactical information, coordination and response. Planning for crowd management incidents should include consideration of contingencies.

Crowd management, intervention, and control strategies and tactical considerations may include (not in priority order):

• Establishing contact with the crowd;
• Gaining verbal compliance;
• Supporting and facilitating First Amendment activities;
• Developing a traffic management and/or control plan;
• Using crowd control and dispersal methods;
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- Protecting critical facilities;
- Providing a high-visibility law enforcement presence.

Note: For a more comprehensive list of considerations, see Appendix B.

318.17 DISPERSAL ORDERS
UCPD should understand the law as it pertains to an unlawful assembly. The decision to declare a crowd unlawful must be based upon reasonable and articulable facts. The definition of an unlawful assembly has been set forth in Penal Code section 407 and interpreted in court decisions. The terms "boisterous" and "tumultuous" as written in Penal Code section 407 have been interpreted as conduct that poses a clear and present danger of imminent violence [In re Brown (1973) 9 Cal. 3d 612, 623.].

The intent of a dispersal order is to permanently disperse a crowd, not to merely relocate the problem. It should be made clear that the crowd is expected to immediately leave the area, and include a warning that force may be used which may inflict significant pain or result in serious injury [Deorle v. Rutherford, 272 F.3d 1272, 1284 (9th Cir. 2001)]. The dispersal order must be given in a manner reasonably believed to be heard and understood by the intended audience. Based upon the circumstances, law enforcement may need to consider multiple announcements from various locations. Dispersal orders may be delivered in English and in other languages that are appropriate for the audience. Regardless of how delivered, law enforcement should record the name of the individual making the statement and the date and time each order was administered. Dispersal orders should not be given until control forces are in position to support crowd movement.

Dispersal Order Example: "I am (peace officer's name and rank), a peace officer for the University of California. I hereby declare this to be an unlawful assembly, and in the name of the People of the State of California, command all those assembled at (specific location) to immediately disperse, which means to break up this assembly. If you do not do so, you may be arrested or subject to other police action. Other police action may include the use of less lethal munitions; chemical agents, police batons, tasers, or any force deemed necessary, which could cause significant risk of serious injury to those who remain. Penal Code §409 prohibits remaining present at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of Penal Code §409. The following routes of dispersal are available (routes). You have (reasonable amount of time) minutes to disperse." Methods that may be used to deliver and document dispersal orders includes (not in priority order):

- Loud speech;
- Amplified sound;
- Display of signage indicating unlawful assembly and dispersal;
- Gaining the attention of the crowd and documenting affirmative responses of crowd members prior to the declaration of unlawful assembly;
- Positioning law enforcement personnel to the rear of a crowd to confirm and document hearing the transmission of the dispersal order;
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- Acquiring multiple-language capability;
- Using video/audio recording equipment for documentation of the dispersal order.

318.18 MASS ARRESTS AND BOOKINGS
The most successful law enforcement strategy for dealing with mass arrests and bookings is proper planning, training, and comprehensive briefing of involved peace officers prior to the event. Mass arrests are dynamic situations that are resource intensive. Any process must be flexible enough to handle challenges that may confront the field force.

Be prepared to utilize various arrest tactics to address unlawful behavior, including: passive/non-compliant resistance, active resistance, and assaultive and life-threatening confrontation. Maintain accountability of arrestees from the arrest site (crime scene) through the booking process. Many cases are lost due to the inability to match up the arresting peace officer to the arrestee. The arrest report should articulate each arrestee’s specific criminal act(s) and the witnessing officers. This process will aid in criminal prosecution and the reduction of civil liability.

A coordinated effort by all involved criminal justice entities is essential to ensure proper arrest, booking, and prosecution of violators. Maintain accountability of evidence. Consideration should be given to maintaining evidence beyond criminal prosecution, pending potential civil litigation.

Mass arrest and booking considerations may include (not in priority order):

1. Booking/processing area:
   - On-site, off-site or temporary holding facility;
   - Medical staff;
   - Security (protest groups often target booking facilities);
   - Weather issues;
   - Media issues.

2. Designated arrest teams:
   - Armed;
   - Unarmed;
   - Protective clothing;
   - Handcuff-release devices.

3. Documentation (photo/video/written) of arrests:
   - Date;
   - Time;
   - Location;
   - Offense(s);
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- Arresting peace officer(s);
- Identification of arrestees;
- Disposition.

4. Computer access for records checks, etc.

5. Telephone access.

6. Designated booking teams.

7. Prisoner transportation:
   - Special needs (e.g., wheelchairs).

8. Segregation issues:
   - Gender;
   - Gangs;
   - Juveniles.

9. Personal needs issues:
   - Restrooms;
   - Water;
   - Food.

10. Coordination with:
   - Medical;
   - Jail;
   - Court;
   - District/City Attorney;
   - Probation/parole;
   - Public Defender's Office;
   - Private attorneys.

11. Sufficient handcuffs/restraint equipment.

12. Sufficient forms/paperwork:
   - Booking forms;
   - Field release from custody;
   - Field interview cards;
   - Evidence collection/storage of materials.

14. Public affairs/media relations representative:
   - Public service announcements

318.19 USE OF FORCE OPTIONS

The law enforcement response to unlawful behavior should be consistent with the UCPD’s use of force policy and the law. The reasonableness of force used to effect a seizure is determined by balancing the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the governmental interests at stake; *Graham v. Connor*, 490 U.S. 386, 396-397 (1989).

In determining the governmental interest, the Court traditionally examines three factors:

1. The severity of the crime at issue;
2. Whether the suspect posed an immediate threat to the safety of officers or others;
3. Whether the suspect was actively resisting arrest or attempting to evade arrest by flight.

According to *Young v. County of Los Angeles*, 655 F.3d 1156, 1163-1166 (9th Cir. 2011), the Court emphasized that the most important factor is whether the individual posed an immediate threat to the officer or to the safety of the public. The *Young* court refers to *Headwaters I and II*, when balancing the nature and quality of the intrusion against the governmental interests, wherein a suspect is non-violent and poses no threat to the safety of the officers or others. See *Young*, 655 F.3d at 1162 and 1165 (citing *Headwaters Forest Defense v. County of Humboldt*, 240 F.3d 1185, 1199-1200, 1204 (9th Cir. 2000), vacated and remanded on other grounds, 534 U.S. 801. (2001) (*Headwaters I*); and, see Young, 655 F.3d at 1167 (citing *Headwaters Forest Defense v. County of Humboldt*, 276 F.3d 1125, 1129-31 (9th Cir. 2002) (*Headwaters II*).

Leadership needs to periodically review use of force alternatives in response to potential actions encountered during crowd management and unlawful events. Training should reflect reasonable use of force alternatives so officers are prepared to consider the tactics/force options available; *Chew v. Gates*, 27 F. 3d 1432, 1443 (9th Cir. 1994). Peace officers need not use the least intrusive force option, but only that force which is objectively reasonable under the totality of the circumstances; *Scott v. Henrich*, 39 F. 3d 912 (9th Cir. 1994), and *Forrester v. City of San Diego*, 25 F. 3d 804 (9th Cir. 1994). When feasible, prior to the use of a particular force option, officers should consider the availability of less-intrusive measures; *Young*, 655 F.3d at 1166; *Bryan v. McPherson*, 630 F. 3d 805, 831 (9th Cir. 2010).

Warnings should be given, when feasible, if the use of force may inflict significant pain or result in serious injury; *Deorle v. Rutherford*, 272 F.3d 1272, 1284 (9th Cir. 2001). In all situations, the force used must be objectively reasonable under the totality of the circumstances. *Graham v. Connor*, 490 U.S. at 397.

Levels of resistance:
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- Active Resistance To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner (e.g., bracing, tensed muscles, interlock arms/legs, pushing, kicking, etc.).
- Assaultive Resistance Aggressive or combative behavior which attempts or threatens to assault an officer.
- Passive Resistance Refers to intentional and unlawful opposition of a lawful order of a peace officer during arrest situations but involves no physical resistance.

Use-of-force considerations may include (not in priority order):

- Absent exigent circumstances, uses of force in crowd control circumstances should be authorized by the Chancellor, his or her designee or senior administration leadership;
- Determining compliance or non-compliance of individuals;
- Moving non-compliant offenders;
- Use of control devices (impact weapons, chemical agents, electronic control devices) against passive resisters shall not be employed;
- Anticipating possible actions of demonstrators;
- Identifying criminal violations;
- Developing arrest protocol;
- Addressing the use of pain compliance techniques;
- Planning for physically challenged, elderly, and child demonstrators;
- Considering the resources available based on the situation;
- Evaluating availability of other public safety resources;
- Using personal protective equipment;
- Planning for the safety of bystanders and the media;
- Evaluating the mobility of suspects/protestors;
- Determining avenues of controlled departure;
- Anticipating potential need for medical resources;
- Addressing the use of less-lethal munitions and chemical agents.

Force options may include (not in priority order):

- Law enforcement presence;
- Verbalization;
- Control holds;
- Compliance techniques;
- Control devices;
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- Nonlethal chemical agents;
- Electronic control devices (ECD);
- Impact weapons/batons;
- Less-lethal munitions;
- Deadly force.

318.20 USE OF CHEMICAL AGENTS

This guideline must be applied in conformance with Guideline 5.4, Use of Force: Force Options. Case law has determined that the use of nonlethal chemical agents can cause significant pain and is an "intermediate" level of force; Young v. County of Los Angeles, 655 F.3d 1156, 1162 (9th Cir. 2011). Since Young held that chemical agents can inflict significant pain, warnings should be given, when feasible, prior to deployment; Deorle v. Rutherford, 272 F.3d 1272, 1284 (9th Cir. 2001). Use of nonlethal chemical agents in response to an unlawful assembly may be reasonable depending on the totality of the circumstances. UCPD should consider when, where, and how nonlethal chemical agents may be deployed, and consider potential collateral effects. Use of chemical agents against passive resisters is prohibited absent exigent circumstances. Only properly trained personnel should be authorized to deploy nonlethal chemical agents. Nonlethal chemical agents, protective masks, maintenance, storage, and security must be addressed by UCPD.

Nonlethal chemical agent deployment considerations may include (not in priority order):
- Safety of personnel involved;
- Personnel available;
- Methods of delivery;
- Weather conditions;
- Wind direction;
- Physical location/terrain considerations;
- Types of agents available;
- Protective devices for personnel;
- Decontamination;
- Potential exposure to children, elderly, and persons with disabilities.

Nonlethal chemical agent policy considerations may include (not in priority order):
- Circumstances;
- Training;
- Reporting;
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- Types of agents;
- Appropriate methods of deployment;
- Identity of person(s) who can authorize the use of nonlethal chemical agents;
- Identity of person(s) trained to deploy nonlethal chemical agents;
- Decontamination/observation;
- Medical attention;
- Storage, replacement, and inventory accountability;
- Field issuance, deployment, and accountability for recovery;
- Protective mask fit testing;
- Multi-agency events.

318.21 MEDIA STRATEGIES
Having an effective media relationship is important to the University when addressing crowd management incidents. The more that UCPD and the University interacts with the media in a spirit of cooperation and transparency, the more accurate the reporting. In most instances involving crowd management events, it is beneficial for an agency to routinely provide timely information rather than simply respond to inquiries.

Media strategies may include (not in priority order):
- Assigning a Public Information Officer(s) (PIO) to the event;
- Complying with Penal Code §409.5;
- Developing a plan to address non-traditional media in the crowd;
- Providing a single point of contact that the media can call/access to receive timely updates;
- Ensuring timely, accurate information about the event;
- Taking proactive steps to provide information rather than merely responding to inquiries;
- Considering dissemination of information to the media that may include:
  1. The what, where and when of anticipated activities.
  2. Specific parade or protest routes.
  3. Locations subject to disruption of normal business or traffic.
  4. The extent of disruption expected.
  5. Alternative routes and/or mass transit alternatives.
- Informing the media of law enforcement expectations during a dispersal order(s);
- Establishing a media staging area;
• Considering use of a media pool (camera, radio, print);
• Considering embedding media with law enforcement when appropriate;
• Considering establishing a Joint Information Center (JIC).

318.22 ELECTRONIC COMMUNICATION AND SOCIAL MEDIA
The use of electronic communication and social media has grown exponentially over the last decade. People of all ages and organizations of all types now commonly use a vast array of electronic devices. The effective use of electronic communication and social media can enhance law enforcement efforts related to community outreach, investigations, and in other strategic initiatives. Electronic communication and social media have specific application to law enforcement's response to incidents of crowd management.

Considerations for law enforcement regarding utilization of electronic communication and social media may include (not in priority order):
• Quickly informing the public and media about events, developments, police activities, or other announcements in real time;
• Building relationships with the public, special interest groups, and protesters;
• Providing ways for the public to communicate with law enforcement, such as reporting suspicious activity;
• Informing crowds by posting instructions to attendees;
• Communicating with citizens about crime information, road closures, etc.;
• Providing relevant information, prior to and during an event;
• Providing timely warnings, emergency notifications, and/or advisories to mass recipients (e.g., reverse 9-1-1, texting, etc.);
• Establishing operational security and identifying legal implications in the official use of electronic communication and social media platforms;
• Developing agency-specific policies and procedures with regard to the personal use of electronic communication and social media that includes measures to ensure operational security.

318.23 TERMS AND DEFINITIONS: APPENDIX A
Anarchist  A person who uses unlawful, violent means to cause disorder or upheaval

Active Resistance  To intentionally and unlawfully oppose the lawful order of a peace officer in a physical manner (e.g., bracing, tensed muscles, interlock arms/legs, pushing, kicking, etc.).

After Action Report  A report covering response actions, application of ICS, modifications to plans and procedures, training needs, and recovery activities.

Arrest Protocol  The formal process of placing subjects under arrest, taking into custody, and associating the arresting peace officer(s) with the specific individual arrested.
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**Arrest Teams** Personnel assigned to arrest duties during civil disobedience/civil disorder incidents.

**Assaultive Resistance** Aggressive or combative behavior which attempts or threatens to assault an officer.

**Booking Teams** Personnel assigned to custodial processing duties during incidents of civil disobedience/civil disorder.

**Chemical Agents** See Nonlethal Chemical Agents

**Civil Disobedience** An unlawful event involving a planned or spontaneous demonstration by a group of people.

**Civil Disorder** An unlawful event involving significant disruption of the public order.

**Command** The authority a peace officer lawfully exercises over subordinates by virtue of his/her rank and assignment or position.

**Compliance Techniques** Reasonable, lawful use-of-force methods intended to encourage suspect cooperation.

**Compliant Behavior** Behavior consistent with submitting to lawful orders of a peace officer without resistance.

**Control Devices** Devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority (e.g., batons, electronic control devices, restraints, chemical agents, etc.).

**Cordoning** Surrounding or enclosing a particular problem area; also referred to as perimeter control.

**Critical Facilities** Any location essential to the well-being and safety of the community requiring law enforcement protection during a critical incident.

**Crowd** A number of persons gathered together.

**Crowd Control** Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence that has become unlawful or violent and may require arrests and/or the dispersal of the crowd.

**Crowd Dynamics** Factors which influence crowd behavior.

**Crowd Intervention** Law enforcement response to a pre-planned or spontaneous event, activity, or occurrence to deal with isolated unlawful behavior or an impact to public safety while allowing the event/activity/occurrence to continue.

**Crowd Management** Encompasses law enforcement management, intervention, and control strategies when responding to all forms of public assemblies and gatherings. Also refers specifically to strategies and tactics employed before, during, and after a gathering for the purpose of maintaining the event's lawful activities.
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*Decontamination*  Procedures taken to reduce the effects of any nonlethal chemical agent or bio-hazard exposure.

*Discipline*  Peace officer behavior that is consistent with demonstrating self-control, teamwork, moderation, and restraint.

*Dispersal Order*  Lawful orders communicated by law enforcement personnel commanding individuals unlawfully assembled to disperse.

*Dismounted Tactics*  Non-mobile tactical formations generally involving team, squad, and platoon-sized units.

*Emergency Operations Center*  (EOC) A location from which centralized emergency management is performed. EOC facilities are established by an agency or jurisdiction to coordinate the overall agency or jurisdictional response and support to an emergency.

*Essential Elements of Information*  (EEI) Critical tactical information, obtained from any source, received prior to and/or during an event which is considered so essential that without it, meaningful planning cannot proceed.

*Flash Mob*  A group of people organized using social media to coordinate meeting at a specific location at a specific time for entertainment, satire, or, in some cases, criminal activity.

*Flashpoint*  Specific location(s) which become the initial source of unlawful activity and the origin or focal point of civil disorder.

*Force Options*  Reasonable force alternatives that may be utilized by law enforcement to effect arrest, overcome resistance, and prevent escape.

*Formations*  Coordinated unit tactics utilized by law enforcement to control crowds, stop unlawful activity, and disperse and/or arrest violators.

*Incident Action Plan*  (IAP) A written document containing general management objectives that reflect the overall incident strategy and specific plans using personnel and resources. Incident Action Plans will vary in content and form depending upon the kind and size of an incident.

*Incident Command System*  (ICS) The statewide model for field-level management of emergencies mandated by the Standardized Emergency Management System (SEMS). ICS is specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single and multiple incidents without being hindered by jurisdictional boundaries.

*Incident Objectives*  Statements of guidance and direction necessary for the selection of appropriate strategy(s), and the tactical use of resources. Incident objectives are based on realistic expectations of what can be accomplished when allocated resources have been effectively deployed. Incident objectives must be achievable and measurable, yet flexible enough to adjust to strategic and tactical alternatives.
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**Leadership** The art and exercise of influence to obtain willing compliance, confidence, respect, and loyal cooperation of personnel.

**Less Lethal Impact** Munitions Projectiles launched or otherwise deployed for purposes of overcoming resistance, preventing escape, effecting arrest, reducing serious injury and may be applied without a significant likelihood of causing death.

**Life Threatening** Any action likely to result in serious injury or death of an officer or another person.

**Management** The process of planning, organizing, coordinating, directing, budgeting, and controlling resources.

**Mobile Arrest and Booking Teams** Mobile teams designated to assist field personnel with mass arrests and processing.

**Mobile Field Force** An organized, mobile law enforcement tactical force equipped and trained to respond to unusual occurrences. The mobile field force is currently the statewide standard configuration known as "Mutual Aid Response Mobile Field Force."

**Mobile Tactics** The ability to rapidly deploy law enforcement personnel using vehicles. The vehicles may also be used for crowd control and containment.

**Mob** A disorderly group of people engaged in unlawful activity.

**Mounted Tactics** Crowd control while mounted on horses.

**Non-Compliant Behavior** Behavior which does not yield to the lawful order of a peace officer but offers no physical resistance (sometimes referred to as "passive resistance").

**Nonlethal Chemical Agents** Devices utilized by law enforcement agencies which may include CS, CN, OC, and HC (smoke).

**Noticed Events** Public assemblies, demonstrations or crowd events, which are planned for in advance and allows for prior notice, whether direct or indirect, to law enforcement.

**Operations Plan** A plan describing the tactical deployment of resources at an incident or event to meet the objectives of the Incident Action Plan.

**Operations Security** (OPSEC) Methods used to prevent sensitive information, which may compromise the integrity and safety of a law enforcement operation, from being improperly disseminated.

**Pain Compliance** Stimulation of nerves or the manipulation of joints to elicit a sense of unease or distress in a subject, causing that subject to comply with lawful directives.

**Passive Resistance** Refers to intentional and unlawful opposition of a lawful order of a peace officer during arrest situations but involves no physical resistance. (See Active Resistance).

**Perimeter Control** See Cordonning.
**Photographic Teams**  Law enforcement photographers assigned to memorialize designated activity involving civil disobedience.

**Policy**  Statements of principles and values which guide the performance of a specific agency activity. Policy establishes limits of action and reflects a statement of guiding principles that should be followed in order to achieve an agency’s objective.

**Procedure**  A method of performing an operation or a manner of proceeding on a course of action within the limits of policy.

**Public Disruption**  The interruption or disturbance of public order.

**Stakeholder**  Entities having a legal, professional, economic or community interest/responsibility in a public assembly or gathering.

**Sectoring**  An overall area of operation and dividing it into sub-sections based upon geographical and/or defined boundaries.

**Social Media Communications**  of social interaction, using highly accessible and scalable devices, including web-based and mobile technologies used to promote interactive dialogue.

**Spontaneous Events Public**  assemblies, demonstrations or crowd events, which occur without prior planning and/or without prior notice to law enforcement.

**Standardized Emergency Management System**  (SEMS) A system required by California Government Code for managing response to multi-agency and multijurisdictional emergencies in California. SEMS consists of five organizational levels that are activated as necessary: Field Response, Local Government, Operational Area, Region and State.

**Tear Gas**  The term used in the California Penal Code for what law enforcement more accurately refers to as “nonlethal chemical agents.”

**Unified Command**  In ICS, it is described as a unified team effort, which allows all agencies with responsibility for the incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies. It maintains agency authority, responsibility and accountability.

**Unity of Command**  The concept by which each person within an organization reports to one and only one designated person.

**Unlawful Assembly**  Penal Code Section 407 defines an "unlawful assembly" as: "Whenever two or more persons assemble together to do an unlawful act, or to do a lawful act in a violent, boisterous or tumultuous manner, such assembly is an unlawful assembly." "Boisterous or tumultuous manner" has been interpreted by the courts to mean conduct which poses a clear and present danger of imminent violence.

**318.24  CROWD MANAGEMENT INTERVENTION AND CONTROL STRATEGIES:**
**APPENDIX B**

See attachment: Crowd Control Management.jpg
318.25  APPLICABLE STATUTES: APPENDIX C

Criminal Laws

69  Resisting or deterring officer
71  Threat of injury made to peace officer in performance of his duties
102 Retaking property from officer
148 Resisting or obstructing public officer
148.1 False reporting planting of bomb
148.2 Interfering with fireman or EMT
148.4 Tampering with a fire alarm
148.9 Giving false identification
151 Advocating injury or death of peace officer
169 Picketing in or near courthouse with intent to interfere or obstruct administration of justice or influence judge, juror, witness, or officer of the court
171f Entering State Capitol without authorization-disorderly conduct
182 Conspiracy
185 Wearing masks or personal disguises in the commission of any public offense
197 Killing in defense of self or property and arresting fugitives or quelling riot
218 Derailing or wrecking train
219 Wrecking train or firing bridge
219.1 Throwing missile at vehicle of common carrier
219.2 Throwing missile or shooting at trains, street cars, or vessels
240 Assault - defined
241 Assault; Assault against peace officer, or other specified persons engaged in performance of duties (Note: see 241 PC subsections)
242 Battery - defined
243 Battery; punishment (Note: see 243 PC subsections)
244 Throwing acid w/intent to disfigure or burn
245 Assault with deadly weapon, firearm, assault weapon, or machine-gun (ADW) (Note: see 245 PC subsections)
246 Discharge firearm at inhabited dwelling, vehicle or aircraft
Crowd and Demonstration Management

247 Discharge firearm at unoccupied aircraft or motor vehicle or uninhabited building or dwelling house

247.5 Discharging laser at aircraft

248 Interfere with helicopter operation - light or bright device

302 Disorderly conduct at church service

372 Maintaining public nuisance

374 Littering and waste matter defined (Note: see 374 PC subsections)

375 Use of offensive substance in place of public assembly; manufacture of offensive substance

396 Price gouging during state of emergency

403 Disturbing an assembly

404 Riot - defined

404.6 Incitement to riot

405 Punishment of participants in riot

405a Lynching - defined

405b Lynching - punishment

406 Rout - defined

407 Unlawful assembly

408 Participating in a rout or unlawful assembly

409 Refusal to disperse when ordered

409.5 Closing areas in emergency

410 Duty to suppress riot or rout

415 Fighting, causing loud noise, or using offensive words in public place

415.5 Unlawful acts committed in buildings or grounds of Colleges or University

416 Duty of crowd to disperse when ordered; Restitution for property damage

420 Obstructing entry on government land

422 Threats to commit crime resulting in death or great bodily injury

422.6 Civil Rights; Interfere with property damage or speech

451 Arson

452 Unlawfully causing a fire

453 Possession or manufacture of combustible or explosive material or fire bomb
Crowd and Demonstration Management

455 Attempts to burn
463 Burglary during state of emergency
555 Entry without permission (Note: see 555 PC subsections)
587 Injuring or obstructing railroad tracks, rights-of-way or structures
588 Injuring public road or bridge (Note: see 588 PC sections)
591 Injuring or tapping telegraph, telephone, or cable telephone line
594 Vandalism
602 Trespassing
602.5 Unauthorized entry of dwelling
602.8 Trespass - Entering cultivated, fenced, or posted land
602.10 Physical obstruction of student or teacher from attending or instructing at a University of California, California State University, or Community College
602.11 Obstruct entry/exit of health care facility, place of worship, or school
616 Tampering with posted legal notice
626 Definitions - miscellaneous crimes - schools (Note: See 626 PC subsections)
640 Infractions committed on or in facilities or vehicles of a public transit system (Note: see 640 PC subsections)
647 Disorderly conduct - defined
647c Accosting person in public place, disorderly conduct, impose, or begging
647e Alcoholic beverages; possession of opened containers on posted premises; regulation by local ordinance
659 Counseling or aiding another in the commission of a misdemeanor
726 Unlawful assembly - officer's duty to disperse
727 Arrest for refusal to disperse
835a Use of reasonable force to effect arrest
836 Arrest by Peace Officer
4600 Destroying or injuring prison or jail (including jail property)
12600 Peace Officer may purchase, possess, or transport less-lethal weapons
12601 Less-lethal weapon - definitions

WEAPONS LAWS
171b Bringing firearm or other specified weapons into courthouse or public meeting
Crowd and Demonstration Management

171c Bringing loaded firearm into state office, State Capitol grounds, or public school grounds
171d Bringing loaded firearms into residence of Governor or other constitutional officer
171f Entering State Capitol without authorization - disorderly conduct within
374c Discharging firearms on a public highway
417 Drawing or exhibiting weapon in a rude or threatening manner (Note: see 417 PC subsections)
626.9 Bringing or possessing firearm on grounds of public school, college, or university
626.10 Knives, razors, tasers, stunguns, etc., on school grounds, exceptions
16590 Manufacture, importation, sale or possession of disguised firearms or other deadly weapons prohibited; carrying concealed weapons prohibited; exceptions
17500 Possession of deadly weapon with intent to commit assault
25400 Unlawful to carry concealed firearms without license
25850 Loaded firearm; carrying in public place or in vehicle
18710 Possession of destructive device prohibited
22610 Purchase, possession, or use of stun gun

CALIFORNIA VEHICLE CODE
23110 Throwing substance at vehicles
23112 Throwing, depositing, or dumping matter on highway

CALIFORNIA ELECTION CODE
18340 Prevention of electors from assembly; misdemeanor
18380 Vandalism at polling places, violations; misdemeanor
18502 Interference with officers or voters; imprisonment
18540 Use of force, violence, tactic of coercion or intimidation; penalties

318.26 APPLICABLE CASE LAW: APPENDIX D
USE OF FORCE
Bryan v. McPherson 630 F. 3d 805 (9th Cir. 2011)
Chew v. Gates 27 F.3d 1432, 1443 (9th Cir. 1994)
Deorle v. Rutherford 272 F. 3d 1272, 1284 (9th Cir. 2001)
Eberle v. City of Anaheim 901 F. 2d 814 (9th Cir. 1990)
Forrester v. City of San Diego 25 F. 3d 804 (9th Cir. 1994)
Crowd and Demonstration Management

Hammer v. Gross 932 F. 2d 842 (9th Cir. 1991)
Headwaters Forest Defense v. County of Humboldt 240 F.3d 1185(9th Cir. 2000), vacated and remanded on other grounds, 534 U.S. 801 (2001) (Headwaters I)
Headwaters Forest Defense v. County of Humboldt 276 F. 3d 1125 (9th Cir. 2002) (Headwaters II)
Mattos v. Agarano 661 F. 3d 433 (9th Cir. 2011)
Scott v. Henrich 39 F. 3d 912 (9th Cir. 1994)
Young v. County of Los Angeles 655 F. 3d 1156 (9th Cir. 2011)

UNLAWFUL ASSEMBLY
Bacon In re, (1966) 240 Cal. App. 2d 34
Brown In re, (1973) 9 Cal. 3d 612
Chambers v. Municipal Court (1997) 65 Cal. App. 3d 904
Collins v. Jordan 110 F. 3d 1363 (9th Cir. 1996)
Galvin v. Hay 374 F. 3d 739 (9th Cir. 2004)
Kay In re, (1970) 1 Cal. 3d 930, 943
Menotti v. City of Seattle 409 F. 3d 1113 (9th Cir. 2005)

RIOTS
People v. Bundte (1948) 87 Cal. App. 2d 735, 744, cert. denied 337 U.S. 915
People v. Davis (1968) 68 Cal. 2d 481
People v. Jones (1971) 19 Cal. App. 3d 437

LYNCHING
People v. Jones (1971) 19 Cal. App. 3d 437
People v. Patino (1979) 95 Cal. App. 3d 11

RIGHT OF ACCESS
Cox v. State of New Hampshire 312 U.S. 569 (1941)
Seattle Affiliate of the October 22nd Coalition to Stop Police Brutality, etc. v. City of Seattle 550 F. 3d 788 (9th Cir. 2008)
Crowd and Demonstration Management

Mardi Gras of San Luis Obispo v. City of San Luis Obispo 189 F. Supp. 2d 1018 (2002) (This case addresses impermissible prior restraint on protected expression in public forums, including an analysis of reasonable "Time, Place and Manner" restrictions and content-based regulations that are not the least restrictive means to further a compelling state interest.)

FIRST AMENDMENT

Brown In re, (1973) 9 Cal. 3d 612
Chambers v. Municipal Court (1977) 65 Cal. App. 3d 904
Jefferson v. Superior Court (1975) 51 Cal. App. 3d 721

PUBLIC PLACE OBSTRUCTION

Cox In re, (1970) 3 Cal. 3d 205, 220

OBSTRUCTING PEACE OFFICER

People v. Patino (1979) 95 Cal. App. 3d 11

THROWING SUBSTANCES

People v. Whitney (1978) 76 Cal. App. 3d 863
Verbal Counseling and Supervisor Observations

319.1 PURPOSE AND SCOPE
Supervisors shall review employee performance on a daily basis. Supervisors may commend or provide constructive criticism to employees through the use of verbal counseling or supervisor's written observations. Positive behavior that reflects or supports the Department's core values should be documented whenever possible. Additionally, employees demonstrating behavior contrary to the Department's core values or any provision of the Department Policy Manual can be reminded or instructed about how to improve behavior, performance or compliance with the Department Policy Manual, in a written Supervisor's Observation. Verbal counseling and/or Supervisor's Observations, even if the content addresses a need for improvement of performance, behavior or compliance are not considered discipline by the Department.

319.2 PROCEDURE FOR VERBAL COUNSELING
All Supervisors should routinely seek opportunities to provide training and guidance to employees for the positive affect increased knowledge, more proficient skills and adherence to the provisions of the Policy Manual and Department Values. Verbal counseling shall be considered anytime a supervisor discusses employee behavior or performance for the purpose of positively changing the behavior in the future. The first incidence of verbal counseling with a particular employee for a particular behavior or performance issue may or may not be documented in writing. However, nothing shall prohibit a supervisor from making reference to verbal counseling if the discussed behavior continues and additional efforts are needed for instruction, behavioral or performance modification as discussed in this policy.

The involved employee's supervisor should be made aware of the counseling as soon as practical.

319.3 PROCEDURE FOR SUPERVISOR'S OBSERVATION
Any Supervisor may issue a written Supervisor's Observation. The Supervisor's Observation should be presented to the employee in a private setting, free of interruption.

a. Present the Supervisor's Observation document and explain its purpose.

b. Discuss the issue and give the employee an opportunity to thoroughly read the document.

c. Require the employee to sign the document. If the employee refuses to sign, note the refusal on the document.

d. Provide the employee a copy of the Supervisor's Observation.

e. The original Supervisor's Observation shall be kept in the involved employee's Supervisor's working file for that employee. A copy of the document shall also be forwarded to the employee's manager as appropriate.

f. The Supervisor's Observation shall remain in an employee's Supervisor's working file until his/her next performance review at which time it shall be removed and given to the employee.
319.4  FORMAT FOR WRITTEN SUPERVISOR'S OBSERVATION
1. The Supervisor’s Observation shall be written on a standard Department memo letterhead.
2. The document shall be forwarded as an internal memorandum, with the following exception: The phrase “SUPERVISOR’S OBSERVATION LOG” shall be typed in the subject line.
3. Memos addressing the need for improved performance shall only remind the employee to adhere to a particular Department Policy item in the future and shall be devoid of reference to any additional future action if the behavior does not improve. Since the subject performance or behavior may not involve a violation of Department policy, it is not necessary that a policy violation be cited in the text.
4. The last line of the memo shall state, "This memorandum is not intended as discipline or as a basis for disciplinary action. It will not be maintained in your employee file beyond completion of your performance evaluation for the applicable period."
5. A line shall be provided below the last statement for the employee’s signature and date.

319.5  SUPERVISOR’S OBSERVATION LOG SAMPLE 1
Inter-Departmental Memo
September 11, 2012
To: TOM JOHNSON, POLICE OFFICER
From: JEFF ELLIS, POLICE SERGEANT
Subject: SUPERVISOR’S OBSERVATION LOG
On August 22, 2012, you reported 15 minutes late for your 0650 hours shift. You stated you had overslept. You are reminded that Department Policy 340.3.1(c) requires employees to report to work on time.
This memorandum is not intended as discipline or as a basis for disciplinary action. It will not be maintained following completion of your performance evaluation for the applicable period.

_________________ / ___________
Employee Signature / Date

319.6  SUPERVISOR’S OBSERVATION LOG SAMPLE 2
Inter-Departmental Memo
September 11, 2012
To: TOM JOHNSON, POLICE OFFICER
From: JEFF ELLIS, POLICE SERGEANT
Subject: SUPERVISOR’S OBSERVATION LOG
Verbal Counseling and Supervisor Observations

On August 22, 2012, at about 0830 hours, I counseled you concerning your unprofessional interaction with a staff member. During the counseling session, you became angry and walked out of the office. A short time later, you returned and apologized for leaving before the session had ended.

You are reminded that all your interactions with all employees should reflect our Departmental Core Values of Honesty, Respect, Loyalty, Fairness, Trust and Integrity.

This memorandum is not intended as discipline or as a basis for disciplinary action. It will not be maintained following completion of your performance evaluation for the applicable period.

____________________ / ____________

Employee Signature / Date


Stalking

320.1 POLICY
A. It is the policy of the University of California, Irvine Police Department to accurately report and aggressively investigate all reports of stalking. Any time a victim reports any type of harassing, threatening, or menacing behavior, the responding officer should consider the possibility of stalking. The Police Department’s ultimate goal is to increase police awareness of stalking and to take proper police action when stalking is determined.

B. In every assignment alleging stalking, the first officer on the scene will advise the victim of safety measures, and the appropriate social services available to them. In domestic violence cases, the first officer on the scene shall advise the victim of the proper procedure for seeking an Emergency Protective Order (EPO) or a Restraining Order in non-domestic situations and provide the victim with the applicable advocacy and victim resources information.

C. It is the policy of the University of California, Irvine Police Department to arrest perpetrators of stalking.

320.1.1 PURPOSE AND SCOPE
The University of California, Irvine is determined to provide a campus environment free of violence for all members of the campus community. For this reason, University of California, Irvine does not tolerate stalking, and will pursue the perpetrators of such acts to the fullest extent possible. University of California, Irvine is also committed to supporting victims of stalking through the appropriate provision of safety and support services. This policy applies to all students, staff and faculty of the University of California, Irvine community.

Stalking incidents are occurring at an alarming rate on the nation's college campuses. It is a crime that happens to men and women of all races/ethnicities, religions, ages, abilities, sexual orientations, and sexual identity. It is a crime that can affect every aspect of a victim's life. Stalking often begins with phone calls, emails, social networking posts and/or letters and can sometimes escalate to violence.

Stalking is a crime in California and is subject to criminal prosecution. Students, staff or faculty perpetrating such acts of violence will be subject to disciplinary action through the University of California, Irvine Office of Judicial Affairs (or appropriate division office). This can include expulsion or termination from the University of California, Irvine and/or criminal prosecution simultaneously.

All fifty states have stalking laws, and most state statutes require that the alleged stalker engages in a course of conduct that demonstrates that the crime is not an isolated event. Some states specify how many acts are required (usually two) before the crime of stalking occurs. State laws vary according to threat levels and statements of fear by the victim, as a result of the stalking. Most laws require that a perpetrator make a credible threat of violence, while others require that only a course of conduct is necessary to imply a threat. (OJP, 2001).
320.2 POLICY JURISDICTION
This policy applies equally to all students, staff and faculty at the University of California, Irvine campus.

320.2.1 STALKING LAWS
646.9(a) - Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars ($1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

649.9(b) - Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

320.3 STALKING DEFINITION
Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear. Course of conduct is defined as "a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct."

320.3.1 TYPES OF STALKERS
It is important for law enforcement officers, as first responders, to remember that there is no one profile or type of stalker. The relationship between stalker and victim can include past intimates, acquaintances, co-workers, or complete strangers. Stalkers can be motivated by anger, revenge, jealousy, or absolute fantasy or delusion. The generally accepted typology of stalkers includes the following categories:

(a) Simple Obsessional - This type of stalker is the most common. It is usually a male who knows the victim as ex-spouse, ex-lover, or former work-mate and who begins a campaign of harassment against the victim. The stalking behavior begins either after the relationship has gone bad, or has ended, or there is a perception of mistreatment.

(b) Love Obsessional - This stalker is a stranger to the victim, but is obsessed and thus begins a campaign of harassment to make the victim aware of the stalker’s existence. This type of person often stalks a celebrity or public figure, but can also become obsessed with the bank teller or grocery store clerk.

(c) Erotomania - This stalker is often female and falsely believes that the victim is in love with her and, but for some external influence, they would be together. The victim may be someone rich or famous or in a position of power such as an employer, movie star, or political figure. In this situation, those who are close to the victim (i.e., a spouse or lover who is perceived as "being in the way") may be the most at risk.

(d) False Victimization Syndrome - This is an extremely rare occurrence that involves someone who consciously or subconsciously desires to be placed in the role of victim. They therefore establish a complex tale of being stalked, which is in-fact false.
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Sometimes this individual is the actual perpetrator, and the stalker they identify may well be their own target.

320.4 STALKING BEHAVIORS
Because stalking is a “course of conduct” or a “pattern of behavior,” stalking can consist of a wide variety of criminal behavior and non-criminal behavior. Any type of crime, from vandalism to homicide, could be part of a stalking case. Stalking laws also criminalize non-criminal behavior, such as letter sending, phone calls, and other contacts that demonstrate in their totality, a pattern of implicit or explicit threats to the victim. State laws define how many incidents make a “pattern” or “course of conduct” in a jurisdiction. In most states, the definition of pattern is two or more incidents. Generally, stalking is an escalating series of actions and incidents.

Stalking includes any behaviors or activities occurring on more than one occasion that collectively instill fear in a victim, and/or threaten her or his safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following:

- Violations of any protective order;
- Telephone calls to the victim (harassing, threatening, obscene, or otherwise);
- Causing another’s phone to ring continuously;
- Unwanted mail, e-mail, cards, letters, or gifts to the victim;
- Following, monitoring, pursuing the victim;
- Returning to the property of another if the stalker is without claim to the property;
- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear;
- Use of online, electronic, or digital technologies, including: Posting of pictures or information in chat rooms or on Web sites; Sending unwanted/unsolicited email or talk requests; Posting private or public messages on Internet sites, social networking sites, and/or school bulletin boards; Installing spyware on a victim’s computer; and/or Using Global Positioning Systems (GPS) to monitor a victim;
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim;
- Surveillance or other types of observation including staring, "peeping”;
- Trespassing;
- Vandalism;
- Non-consensual touching;
- Direct verbal or physical threats;
- Gathering information about an individual from friends, family, and/or co-workers;
- Threats to harm self or others;
• Defamation - lying to others about the victim.

320.5 REPORTING STALKING
The University of California, Irvine Police Department encourages reporting of all incidents of stalking to law enforcement authorities, and respects that whether or not to report to the police is a decision that the victim needs to make. Advocates from the Campus Assault Resources and Education are available to inform victims of the reporting procedures and offer appropriate referrals. Victims of stalking choosing to pursue the reporting process have the right to assistance or consultation of an advocate. The University of California, Irvine offers services to victims even if they choose not to report the incidents. The Campus Assault Resources and Education Office provides services, advocates, and information for victims in a safe, supportive, and confidential setting. In some circumstances, a victim may wish to seek an order of protection from a court of appropriate jurisdiction against the alleged perpetrator. Victims may also seek restriction of access to the University by non-students or non-employees in certain circumstances.

University of California, Irvine staff and faculty are strongly encouraged to report a stalking incident to law enforcement authorities. Such circumstances include any incidents that warrant the undertaking of additional safety and security measures for the protection of the victim and the campus community or other situations in which there is clear and imminent danger, and when a weapon may be involved. Personal safety concerns are often very important for stalking victims. Crisis intervention and victim safety concerns will take precedence.

320.6 SAFETY FOR VICTIMS OF STALKING
University of California, Irvine is committed to supporting victims of stalking by providing the necessary safety and support services. Student victims of stalking are entitled to reasonable accommodations. Due to the complex nature of this problem, the student victim may need additional assistance in obtaining one or more of the following areas:

• No-contact order;
• Services of a student victim advocate;
• Witness impact statement;
• Change in an academic schedule;
• Provision of alternative housing opportunities;
• The imposition of an interim suspension on the accused;
• The provision of resources for medical and/or psychological support.

For assistance obtaining these safety accommodations, contact the University of California, Irvine Campus Assault Resources and Education (CARE) Office. If safety is an immediate concern, encourage the victim to contact law enforcement or the University of California, Irvine Campus Assault Resources and Education (CARE) Office for assistance.
In response to a report of stalking police should take whatever steps are reasonable to protect the victim. Be honest with the victim about any information that suggests that the suspect is a real threat to him/her. The victims must be proactive in planning for their own safety. Accordingly, law enforcement must make the victim aware that she/he must take charge and be proactive in the stalking case. The officer must advise the victim of certain steps the victim can take to protect her/himself, and place certain tools in the hands of the victim so that the victim can gather evidence to help her/himself in the eventual arrest and prosecution of the stalker. Officers must be careful about the advice they give to victims because of the risk that the stalker poses for a victim. Advice given to stalking victims will vary in every case (Maxey, 2001, pg. 358). In domestic cases, officers should refer victims to the CARE's domestic violence program so that advocates can assist them with safety planning.

**Safety Planning** Advise the victim to take extra safety precautions. Although officers should be cautious in making generalizations, the following advice can usually be given in all cases:

- Stop all contact with the stalker;
- Don't let third parties intervene with the stalker;
- Explore the option of a protection order with an advocate;
- Save all evidence such as notes, letters cards, gifts, phone messages, e-mail messages;
- Consider getting a new phone number but keep the old and have an answering machine or voicemail screen calls;
- Alter routines, by not using the same route to and from work or other places, not parking in the same location;
- Advise family, friends, neighbors, co-workers of the problem;
- Contact the phone company about having trap installed on the phone so that hang-ups and harassing calls can be traced;
- Avoid places/events the stalker knows the victim frequents;
- If the victim and stalker have children in common, arrange for a third party to make custody exchanges;
- Develop safety scenarios, or advance scripting, for different situations in which the stalker might make contact with the victim;
- Keep daily records of all attempts by suspect to contact.

Encourage the victim to work with law enforcement, victim advocates, and/or prosecutors to develop specific, personalized, and detailed safety plans and provide written information about who can assist with safety planning.

- Victims must plan for their safety both in the home and at other locations. In some cases, the victim may be putting his/her job in jeopardy, and the victim must be aware of this possibility. Involved officers should be prepared to intercede on behalf of the victim.
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• Victims should avail themselves of whatever social supports they may have in the community. Officers should question them about the availability of family, friends, and affiliations. If children are involved, it may be necessary to involve them in safety planning also. Victims should be questioned about the role of their children and what services may be available to keep the children safe. Children should be instructed to keep address and telephone information confidential, and a determination made as to whether the school should be informed or involved in safety planning.

• Victims should be encouraged to carry cell phones so that in the event of an emergency, they can activate 911.

• Victims should be discouraged from contacting stalkers. Contact with the stalker jeopardizes the victim’s safety by sending out an ambivalent message and may weaken a criminal case.

320.7 STALKING VICTIMS’ RIGHTS
Students on our campus have the right to live free of behaviors that interfere with students attaining their educational goals. Students who report stalking have the right to:

• Treatment with dignity and respect, not subjected to biased attitudes or judgments;
• Not having past and irrelevant conduct discussed during any resulting proceedings;
• Changes in academic and/or living situations, if possible;
• All support services regardless of the choice to file a school or criminal complaint;
• Submission of a written account of the incident and a victim-impact statement;
• Having a person of choice, including legal counsel or an advocate, present throughout the proceedings, as set forth in the student code of conduct;
• Having one’s identity protected, in accordance with the student code of conduct or other legal requirements.

Victims can request immediate on-campus housing relocation, transfer of classes, or other steps to prevent unnecessary or unwanted contact or proximity to an alleged assailant. When possible, requests will be accommodated by the University administration.

320.8 RIGHTS OF THE ACCUSED
Students accused of stalking behaviors have rights on this campus. Those include:

• The right to know the nature and source of the evidence used in any student conduct or other disciplinary hearing process;
• The right to present witnesses and material evidence relevant to the case;
• The right to an advocate or attorney to aid in the preparation and presentation of the case;
• Access to services from the counseling, health center or other student service group;
• Voluntary residence hall relocation, when available;
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- Consultation with a campus official on academic support services and referrals to community resources when appropriate.

320.9 DISCIPLINARY PROCESS
Disciplinary sanctions for violations of the campus stalking policy and/or of the student code of conduct will be imposed in accordance with applicable University of California, Irvine policies, including but not limited to, expulsion. Accused parties should refer to the University of California, Irvine’s Code of Student Conduct for more information on their rights, resolution of disciplinary charges, disciplinary procedures and responsibilities.

Section 102.10 of the University of California, Irvine’s Code of Student Conduct states: "Stalking is any behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the University to serve no legitimate purpose."
Conducted Energy Device

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

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

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

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

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

Members carrying the TASER device should perform a spark test on the unit prior to every shift. When carried while in uniform officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Individuals who are known to be pregnant.
(b) Elderly individuals or obvious juveniles.
(c) Individuals with obviously low body mass.
(d) Individuals who are handcuffed or otherwise restrained.
(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
Conducted Energy Device

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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

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

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

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

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

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

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

321.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject’s skin.
Conducted Energy Device

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

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

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

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

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

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

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

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

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

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

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

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.
(b) The person may be pregnant.
(c) The person reasonably appears to be in need of medical attention.
(d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device’s onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

321.9 TRAINING

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

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

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

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

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

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

The Training Manager should ensure that all training includes:

(a) A review of this policy.
(b) A review of the Use of Force Policy.
(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
(f) De-escalation techniques.
(g) Restraint techniques that do not impair respiration following the application of the TASER device.
Hate Crimes

322.1 PURPOSE AND SCOPE
The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

322.1.1 DEFINITIONS
Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

(a) Disability
(b) Gender
(c) Nationality
(d) Race or ethnicity
(e) Religion
(f) Sexual orientation
(g) Association with a person or group with one or more of these actual or perceived characteristics
(h) Examples of hate crimes include, but are not limited to:

1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
2. Defacing a person’s property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).
322.2 POLICY
The University of California Irvine Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

322.3 PREVENTION AND PREPARATION
While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

(a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.

(b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.

(c) Providing victim assistance and community follow-up as outlined below.

(d) Educating community and civic groups about hate crime laws.

(e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

322.4 INVESTIGATIONS
Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.

(e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
Hate Crimes

2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).

(f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.

(g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.

(h) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.

(i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or General Counsel Penal Code § 136.2 or Civil Code § 52.1 as indicated).

322.4.1 DETECTIVE BUREAU RESPONSIBILITY
If a hate crime case is assigned to the Detective Bureau, the assigned detective will be responsible for:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victims and other involved individuals, as needed.

(c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Bureau Policy.

(d) Make reasonable efforts to identify additional witnesses.

(e) Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).

(f) Provide the supervisor and the Public Information Officer (Chancellor's Office - Office of Strategic Communications and Public Affairs) with information that can be responsibly reported to the media.

1. When appropriate, the Chancellor's Office - Office of Strategic Communications and Public Affairs should reiterate that the hate crime will not be tolerated and will be taken seriously.

322.4.2 SUPERVISOR RESPONSIBILITY
The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:
Hate Crimes

(a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.

(b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.

(d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

322.5 TRAINING
All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.
Missing Persons

323.1 PURPOSE AND SCOPE
This policy provides guidance for handling missing person investigations and covers Clery Act missing student notification procedures applicable to UCI Police Department.

323.1.1 DEFINITIONS
At-risk - Includes, but is not limited to (Penal Code § 14215): A victim of a crime or foul play; a person missing and in need of medical attention; a missing person with no pattern of running away or disappearing; a missing person who may be the victim of parental abduction; a mentally impaired missing person.

Missing Person - Any person who is reported missing to law enforcement when the person’s location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215). This also applies to a student residing in on-campus student housing who is determined to be missing for purposes of the Clery Act.

Missing Person Networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

Emergency Contact Person – General emergency contact information that students provide to their respective on-campus student housing communities in the event of an emergency.

Confidential Missing Student Contact Person – Clery Act specific contact information that must be gathered by an institution separate and apart from Emergency Contact Person information. This information must be kept confidential and it has greater privacy protections than what FERPA provides. This information may only be accessed by authorized campus officials. These officials may only disclose the contact information to law enforcement officials in furtherance of a missing student investigation.

323.2 POLICY
The UCI Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The UCI Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

323.2.1 MISSING STUDENTS WHO RESIDE IN ON-CAMPUS HOUSING
UCI, through on-campus student housing, provides each on-campus student resident the opportunity to confidentially register the names and contact information of individuals whom UCI
Missing Persons

Police Department should contact if the student is determined missing by UCI Police Department. Each UCI Student Housing community and American Campus Community (ACC) Student Housing community maintains files with emergency contact and confidential missing student contact information.

If a member of the University community in on-campus student housing is reported missing, the UCI Police Department will generate a missing person report and initiate an investigation. After investigating the missing person report, should UCI Police Department determine that the student is missing UCI Police Department will notify the student's emergency contact and confidential contact person(s) no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, UCI Police Department will notify the student's parent or legal guardian immediately after it has determined that the student is missing, in addition to notifying any Emergency Contact Person and/or Confidential Missing Student Contact Person. Additionally, regardless of whether the student has identified a contact person, is above the age of 18 or is an emancipated minor, UCI Police Department will inform the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.

323.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS
The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases.
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07).
- Missing person school notification form.
- Medical records release form from the California Department of Justice.
- California DOJ missing person forms as appropriate.
- Biological sample collection kits.

323.4 ACCEPTANCE OF REPORTS
Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).
323.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) For all students residing in on-campus student housing, a determination should be made as to whether the student is missing for purposes of the Clery Act. If a student is determined missing, all Clery Act missing student procedures and other requirements must be completed as soon as practically possible, as outlined below in section 332.6 of this policy.

(e) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(f) Ensure that entries are made into the appropriate missing person networks as follows:
   (a) As soon as possible, but no longer than 2 hours, when the missing person is at-risk.
   (b) In all other cases, as soon as practicable, and without unreasonable delay from the time of the initial report.

(g) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(h) Collect and/or review:
   (a) A photograph and a fingerprint card of the missing person, if available.
   (b) A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
   (c) Any documents that may assist in the investigation, such as court orders regarding custody.
   (d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(i) When circumstances permit and if appropriate, attempt to determine the missing person’s location through his/her telecommunications carrier.

(j) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
323.6 CLERY ACT MISSING STUDENT PROCEDURES AND REQUIREMENTS

(a) Clery Act missing student procedures only apply to students who live in on-campus student housing. These procedures do not apply to students who normally live in on-campus student housing, but who are temporarily residing off campus in study abroad programs.

(b) The UCI Student Housing and ACC Student Housing policies on missing students instruct all persons to immediately notify the UCI Police Department when a student is believed to be missing.

(c) Each student living in on-campus student housing, regardless of age, is given an option to register one or more individuals to be a contact strictly for missing persons purposes. The contact person can be anyone. Students are given this option even if they have identified a general Emergency Contact Person. Students are offered this option annually, regardless of whether they chose to register a contact the previous year and may register such contact person even if they move in mid-year. Students register this contact person through their respective student housing office. This is called the “Confidential Missing Student Contact Person.”

(d) Confidential Missing Student Contact Person information may only be accessed by authorized campus officials, as designated by UCI and ACC Student Housing, and may disclose the contact information only to UCI Police Department in furtherance of a missing student investigation.

(e) If a student is determined by UCI Police Department to be missing, and if that person has documented a Confidential Missing Student Contact Person, that contact person must be notified within 24 hours that the student is missing. UCI Police Department is designated with the responsibility of obtaining this information from the student’s respective housing office and reaching out to any and all Confidential Missing Student Contact Person contacts that have been designated by the student. The contact does not have to be an in-person contact. If a student identifies multiple contacts, each contact person listed can be contacted in an order determined by the institution.

(f) If a student registers multiple Confidential Missing Student Contact Persons, and the first person contacted confirms that the student is not missing, UCI Police Department must contact each additional contact person in turn, unless the student in question is contacted and reached by UCI Police Department or the student himself / herself contacts the institution.

(g) UCI Police Department must document any unsuccessful attempts in contacting the Confidential Missing Student Contact Person(s) designated by the student. All attempted contacts will be documented in the police report associated with this incident.
**Missing Persons**

(h) Regardless of whether a missing student has identified a contact person, is above the age of 18, or is an emancipated minor, the UCI Police Department must inform the Irvine Police Department (i.e. the local law enforcement agency that has jurisdiction in the area of the UCI campus) within 24 hours that the student has been determined missing. This may be completed by entering the missing student into CLETS, in addition to sending a copy of the UCI Police Department report to the Irvine Police Department. UCI Police Department will also notify other local law enforcement agencies that have jurisdiction in an area that is known to have been the last known location of the student prior to the determination being made that the student was missing.

(i) A member of the UCI Police Department management team will notify the UCI Consultation Team once a student is determined to be missing.

### 323.6.1 REPORT PROCEDURES AND ROUTING

**PATROL SUPERVISOR RESPONSIBILITIES**

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

(a) Reviewing and approving missing person reports upon receipt.

(b) The reports should be promptly sent to the Records Unit.

(c) Ensuring resources are deployed as appropriate.

(d) Initiating a command post as needed.

(e) Ensuring applicable notifications and public alerts are made and documented.

(f) Ensuring that records have been entered into the appropriate missing persons networks.

(g) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

(h) If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

### 323.6.2 SUPPORT SERVICES DIVISION RESPONSIBILITIES

The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person’s residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person’s intended or possible destination, if known.
(d) Forward a copy of the report to the Detective Bureau.

(e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

### 323.7 SUPPORT SERVICES INVESTIGATIVE FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person’s school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).

2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child’s student file, along with contact information if the school receives a call requesting the transfer of the missing child’s files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 586).

323.8 WHEN A MISSING PERSON IS FOUND
When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

UCI Police Department Dispatch and the Investigations Unit shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

(a) Notification is made to California DOJ (Dispatch responsibility).
(b) The missing person’s school is notified (Investigations responsibility).
(c) Entries are made in the applicable missing person networks (Dispatch responsibility).
(d) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours (Investigations responsibility).

323.8.1 UNIDENTIFIED PERSONS
Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.
(b) Enter the unidentified person’s description into the NCIC Unidentified Person File.
(c) Use available resources, such as those related to missing persons, to identify the person.

323.9 CASE CLOSURE
The Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
(b) If the missing person is a resident of University of California, Irvine or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

323.10 TRAINING
Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:
1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

(o) Clery Act regulations pertaining to students residing in on-campus student housing who are determined missing.
Firearms

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

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

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

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

324.3 SECTION TITLE

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

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

324.4.1 HANDGUNS
The authorized department-issued handgun is the Glock Model 22 .40 caliber.

324.4.2 PATROL RIFLES
The authorized department-issued patrol rifle is the Colt AR-15. The following additional patrol rifles are approved for on-duty use:

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

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

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

324.4.3 PERSONALLY OWNED DUTY FIREARMS
Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department list of approved firearms.
(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

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

(a) The handgun shall be in good working order and on the department list of approved firearms.
(b) Only one secondary handgun may be carried at a time.
(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the department.
(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) When armed off-duty, officers shall carry their University of California Irvine Police Department identification cards under circumstances requiring possession of such identification.

324.4.6 AMMUNITION
Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member’s firearms qualification. Replacements for unserviceable or depleted ammunition issued by the department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

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

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

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

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

Any repairs or modifications to the member’s personally owned firearm shall be done at his/her expense. Repairs must be inspected by the Rangemaster. Modifications must be pre-approved and inspected by the Rangemaster.

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

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

324.5.3 HOLSTERS
Only department-approved holsters shall be used and worn by members while on duty. Members shall utilize a holster for off-duty carrying, except in exigent circumstances. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.
Firearms

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

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

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

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

(c) Members shall not load or unload a firearm anywhere in the department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

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

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

324.6.1 INSPECTION AND STORAGE
Handguns shall be inspected regularly and upon access or possession by another person. Rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.
Department and personally owned firearms may be safely stored in secured lockers at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Rifles shall remain secured in the patrol vehicle or secured in the armory.

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

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

324.6.4 STORAGE IN VEHICLES
When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle’s interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

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

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

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

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

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

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:
Firearms

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

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) No range credit will be given for the following:
   1. Unauthorized range make-up
   2. Failure to meet minimum standards or qualify after remedial training

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

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Lieutenant or provide a recorded statement to investigators prior to the end of shift, if practicable and in accordance with his/her rights under POBR.

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

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

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

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

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

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

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

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

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

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

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

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

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

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

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

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

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

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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

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

(a) The officer shall carry his/her University of California Irvine Police Department identification card whenever carrying such firearm.

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

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
(d) The officer will remain subject to this and all other department policies (including qualifying and training).

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

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

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

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

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

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

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

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

325.4 RESPONSIBILITIES

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

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

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

325.4.3 USER RESPONSIBILITIES
All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.
Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to University property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
(b) The suspect has made credible threats to harm him/herself or others.
Control Devices and Techniques

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

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

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

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

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

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

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

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

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

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency’s Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency’s Use of
Control Devices and Techniques

Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

325.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES
Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.
Report Preparation

326.1 PURPOSE AND SCOPE
Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer’s memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

326.1.1 REPORT PREPARATION
Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee’s opinions should not be included in reports unless specifically identified as such.

326.2 REQUIRED REPORTING
Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

326.2.1 CRIMINAL ACTIVITY
When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

(a) All arrests
(b) All felony crimes
(c) Non-Felony incidents involving threats or stalking behavior
(d) Situations covered by separate policy. These include:
   1. Use of Force Policy
2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

326.2.2 NON-CRIMINAL ACTIVITY
The following incidents shall be documented using the appropriate approved report:

(a) Anytime an officer points a firearm at any person
(b) Any use of force against any person by a member of this department (see the Use of Force Policy)
(c) Any firearm discharge (see the Firearms Policy)
(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
(e) Any found property or found evidence
(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
(g) Suspicious incidents that may indicate a potential for crimes against children or that a child’s safety is in jeopardy
(h) All protective custody detentions
(i) Suspicious incidents that may place the public or others at risk
(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

326.2.3 DEATH CASES
Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.
(b) Suicides.
Report Preparation

(c) Homicide or suspected homicide.
(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
(e) Found dead bodies or body parts.

326.2.4 INJURY OR DAMAGE BY UNIVERSITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a University employee. Additionally, reports shall be taken involving damage to University property or University equipment.

326.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose
(b) Attempted suicide
(c) The injury is major/serious, whereas death could result
(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

326.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

326.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

326.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.
326.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

326.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should utilize the RiMS report correction feature stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

326.5 REPORT CHANGES OR ALTERATIONS
Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.
Mandatory Employer Notification

327.1 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.

327.2 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.

327.2.1 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 § 11590 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).

327.2.2 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 § 11590 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).

327.2.3 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 § 11590 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).
327.2.4 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 § 11590 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).

327.3 POLICY
The University of California Irvine Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

327.4 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).
Public Alerts

328.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

328.2 POLICY
Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system’s individual criteria.

328.3 RESPONSIBILITIES
328.3.1 EMPLOYEE RESPONSIBILITIES
Employees of the University of California Irvine Police Department should notify their supervisor, Watch Commander or Detective Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

328.3.2 SUPERVISOR RESPONSIBILITIES
A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Lieutenant and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts
(b) Canceling alerts
(c) Ensuring all appropriate reports are completed
(d) Preparing an after-action evaluation of the investigation to be forwarded to the Lieutenant

328.4 AMBER ALERTS
The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

328.4.1 CRITERIA FOR AMBER ALERT
The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):
Public Alerts

(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
(c) The victim is in imminent danger of serious injury or death.
(d) There is information available that, if provided to the public, could assist in the child’s safe recovery.

328.4.2 PROCEDURE FOR AMBER ALERT
The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child’s identity, age and description
2. Photograph if available
3. The suspect’s identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
(c) The press release information is forwarded to the Sheriff’s Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

328.5 BLUE ALERTS
Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.
Public Alerts

328.5.1 CRITERIA FOR BLUE ALERTS
All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect’s vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

328.5.2 PROCEDURE FOR BLUE ALERT
The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
   1. The license number and/or any other available description or photograph of the vehicle
   2. Photograph, description and/or identification of the suspect
   3. The suspect’s identity, age and description, if known
   4. Detail regarding location of incident, direction of travel, potential destinations, if known
   5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
   6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(c) The information in the press release is forwarded to the Sheriff’s Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) The following resources should be considered as circumstances dictate:
   1. Entry into the California Law Enforcement Telecommunication System (CLETs)
   2. The FBI local office

328.6 SILVER ALERTS
Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).
328.6.1 CRITERIA FOR SILVER ALERTS
All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
(b) The department has utilized all available local resources.
(c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

328.6.2 PROCEDURE FOR SILVER ALERT
Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

328.7 MUTUAL AID
The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff’s Department Emergency Communications Bureau facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Detective Bureau Supervisor elects to use the services of the Sheriff’s Department, the following will apply:

(a) Notify the Sheriff’s Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff’s Department Watch Commander.

(c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff’s Department will be referred back to this department.

The University of California Irvine Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff’s Department Emergency Communications Bureau to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the Emergency Communications Bureau.
Biological Samples

329.1 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.

329.2 POLICY
The University of California Irvine 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.

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

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense;
(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record;
(c) An adult arrested or charged with any felony.

329.4 PROCEDURE
When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

329.4.1 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.

329.5 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.
**Biological Samples**

Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person’s parole or probation officer when applicable;
(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge;
(c) The judge at the person’s next court appearance;
(d) The person’s attorney;
(e) A chaplain;
(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection;
(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

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

329.5.1 VIDEO RECORDING
A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department’s records retention schedule (15 CCR 1059).

329.5.2 CELL EXTRACTIONS
If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

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

329.6.1 DOCUMENTATION RELATED TO FORCE
The Watch Commander shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

329.6.2 BLOOD SAMPLES
A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or;
(b) A court orders a blood sample following a refusal. The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

329.6.3 LITIGATION
The Chief of Police or authorized designee should notify the California DOJ’s DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state’s DNA Data Bank Program.
Death Investigation

330.1 PURPOSE AND SCOPE
The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

330.2 INVESTIGATION CONSIDERATIONS
Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

330.2.1 CORONER REQUEST
Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).
Death Investigation

(l) Occupational diseases or occupational hazards.
(m) Known or suspected contagious disease and constituting a public hazard.
(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
(o) In prison or while under sentence. Includes all in-custody and police involved deaths.
(p) All deaths of unidentified persons.
(q) All deaths of state hospital patients.
(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

330.2.2 SEARCHING DEAD BODIES
The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

330.2.3 DEATH NOTIFICATION
When practical, and if not handled by the Coroner’s Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.
Death Investigation

330.2.4 UNIDENTIFIED DEAD BODIES
If the identity of a dead body cannot be established after the Coroner arrives, the Coroner’s office will issue a “John Doe” or “Jane Doe” number for the report.

330.2.5 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented on the appropriate form.

330.2.6 SUSPECTED HOMICIDE
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Support Services Division Lieutenant shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

330.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES
Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall document this on an incident report and shall immediately report the death, illness or injury to EH&S at (949) 735-6955. This telephone contact will satisfy the mandatory Cal OSHA notification requirement (8 CCR 342(b)).
Adult Abuse

331.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for University of California Irvine Police Department members as required by law.

331.1.1 DEFINITIONS
Definitions related to this policy include:

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

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.07; Penal Code § 368.5).

331.2 POLICY
The University of California Irvine Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

331.3 INVESTIGATIONS AND REPORTING
All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
(b) Any relevant statements the victim may have made and to whom he/she made the statements.
(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
(e) Whether the victim was transported for medical treatment or a medical examination.
(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
Adult Abuse

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

(j) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).

(k) Whether a death involved the End of Life Option Act:

1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)

2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person’s life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17)

3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17)

4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

331.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

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

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

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

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

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

331.5 MANDATORY NOTIFICATION

Members of the University of California Irvine Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect,
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have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

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

A dependent adult is an individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23).

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

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):
   1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
   2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
   3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
   4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

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

(d) The SDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
(g) The District Attorney’s office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility. 

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

   1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

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

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

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

331.5.1 NOTIFICATION PROCEDURE

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

   (a) The name of the person making the report.

   (b) The name and age of the elder or dependent adult.

   (c) The present location of the elder or dependent adult.

   (d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

   (e) The nature and extent of the condition of the elder or dependent adult.

   (f) The date of incident.

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

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

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

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

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

331.7 INTERVIEWS

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

331.7.2 DETAINING VICTIMS FOR INTERVIEWS
An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:
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(a) Exigent circumstances exist, such as:
   1. A reasonable belief that medical issues of the adult need to be addressed immediately.
   2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
   3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
(b) A court order or warrant has been issued.

331.8 MEDICAL EXAMINATIONS
When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult’s transportation to the appropriate medical facility.

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

331.9 DRUG-ENDANGERED VICTIMS
A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

331.9.1 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

   (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
   (b) Notify the Detective Bureau supervisor so an interagency response can begin.

331.9.2 SUPERVISOR RESPONSIBILITIES
The Detective Bureau supervisor should:

   (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
   (b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that he/she has responded to a drug lab or other narcotics crime
scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

331.10 TRAINING
The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting interviews.
(c) Availability of therapy services for adults and families.
(d) Availability of specialized forensic medical exams.
(e) Cultural competence (including interpretive services) related to adult abuse investigations.
(f) Availability of victim advocates or other support.

331.11 RECORDS BUREAU RESPONSIBILITIES
The Records Bureau is responsible for:

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

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

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

331.13 RELEVANT STATUTES
Penal Code § 368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or
dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

**Penal Code § 368 (f)**

(f) A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

**Welfare and Institutions Code § 15610.05**

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

**Welfare and Institutions Code § 15610.06**

“Abduction” means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

**Welfare and Institutions Code § 15610.30**

(a) “Financial abuse” of an elder or dependent adult occurs when a person or entity does any of the following:

(1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
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(d) For purposes of this section, “representative” means a person or entity that is either of the following:

(1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.

(2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) “Isolation” means any of the following:

(1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

(2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

(3) False imprisonment, as defined in Section 236 of the Penal Code.

(4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safety.

Welfare and Institutions Code § 15610.57

(a) “Neglect” means either of the following:

(1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

(2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

(2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
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(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

15610.63. “Physical abuse” means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

   (1) Sexual battery, as defined in Section 243.4 of the Penal Code.

   (2) Rape, as defined in Section 261 of the Penal Code.

   (3) Rape in concert, as described in Section 264.1 of the Penal Code.

   (4) Spousal rape, as defined in Section 262 of the Penal Code.

   (5) Incest, as defined in Section 285 of the Penal Code.

   (6) Sodomy, as defined in Section 286 of the Penal Code.

   (7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

   (8) Sexual penetration, as defined in Section 289 of the Penal Code.

   (9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

   (1) For punishment.

   (2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

   (3) For any purpose not authorized by the physician and surgeon.
Major Incident Notification

332.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

332.2 POLICY
The University of California Irvine Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

332.3 MINIMUM CRITERIA FOR NOTIFICATION
Most situations where the media show a strong interest are also of interest to the Chief of Police, Assistant Chief of Police and the affected Lieutenant’s. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent University of California, Irvine official
- Arrest of a department employee or prominent University of California, Irvine official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

332.4 WATCH COMMANDER RESPONSIBILITY
The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

332.4.1 STAFF NOTIFICATION
In the event an incident occurs described in the Major Incident Notification policy, the Operations Lieutenant shall be notified. The Support Services Lieutenant should be notified if the Operations Lieutenant is unavailable. The Lieutenant shall notify the remaining Command Staff.
332.4.2 DETECTIVE NOTIFICATION
If the incident requires that a detective respond from home, the Watch Commander shall notify
the Operations Lieutenant, who will then coordinate the detective call-out directly with the Support
Services Lieutenant.

332.4.3 TRAFFIC BUREAU NOTIFICATION
In the event of a traffic fatality or major injury, the Watch Commander shall request the assistance
of Irvine PD's Major Traffic Accident Investigation Team (MAIT). The Watch Commander will also
notify the Operations Lieutenant.

332.4.4 PUBLIC INFORMATION OFFICER (PIO)
The Assistance Chief of Police is the designated Public Information Officer and shall be called
after members of staff have been notified that it appears the media may have a significant interest
in the incident.

332.4.5 CAMPUS LEADERSHIP NOTIFICATION
Notification to campus leadership shall be made in accordance with the "Notification for
Emergency and Non-emergency Response to Specific Incident Types" contact list protocol. This list is maintained by Police Department administrative staff and edited as necessary due to organizational and staff changes. Copies of the contact list are held by Police Department Command Staff and in the Dispatch Center.

332.5 UC SYSTEM-WIDE NOTIFICATION PROTOCOL FOR CRITICAL INCIDENTS
Campuses shall notify UCOP executive management as soon as possible in the event of
the following situations, events, or conditions:

- Campus resources are overwhelmed, or the potential exists to exhaust available
campus resources;

- Campus requires system-wide resources or assistance (from either UCOP or other
campuses);

- Situation poses an immediate or long-term reputational risk to the campus or
University system;

- Situation requires interaction and/or coordination with the Board of Regents or state/
local elected or government officials.

For situations or incidents that require the immediate attention or action by UCOP senior executive
management, contact all of the UCOP executives listed below as well as the UCOP Emergency
Manager (or designated alternate) directly.

In addition, UCOP Risk Services provides special services to assist campuses in responding to
or managing major or unusual emergencies or crisis situations. Situations requiring immediate
notification of Risk Services staff may include but are not limited to the following:

- Any situation causing death, dismemberment, or severe bodily injury.
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- Catastrophic physical damage to University property including major fires or floods, explosions, or structural collapse
- Widespread outbreak of disease or illness
- Acts of domestic or foreign terrorism
- Acts of kidnap, infant/child abduction, extortion, or illegal detention (domestic or foreign)
- Release of hazardous materials to the environment, unusual hazmat contamination, or loss/theft of select agent or radioactive material
- Acts that threaten or endanger any researcher, student, staff, medical personnel, or patient (whether on or off campus, domestic or foreign) aka ‘threat and security incidents’

In the event of any of the situations listed above, notify UCOP Risk Services as soon as possible (see UCOP Emergency Management contacts below). Notification should include a brief situation status report and preliminary requests for any UCOP assistance or support that can be readily anticipated.

The following protocol applies specifically to all threat and security incidents associated with the University or its faculty/staff, either on or off campus, including personal residences:

1. UC Police Department immediately notifies all other campus UCPDs.
2. UC Police Department notifies the Chief Risk Officer (CRO) via e-mail and phone.
3. CRO will coordinate with UCPD to deploy additional security forces (if needed).
4. CRO will immediately transmit information via e-mail to all Campus Vice-Chancellors, Police Chiefs and key UCOP personnel.
5. CRO will coordinate and communicate with UC executive management to ensure that all key personnel are aware of significant events.

**UCOP Senior Executive Management Contacts (notify all):**

(a) Executive Vice President – Chief Operating Officer
(b) Executive Vice President – Chief Financial Officer
*Contact information located in Police Dispatch

**UCOP Emergency Management Contacts:**

(a) Director - Emergency Services
(b) #1 Alternate – Chief Risk Officer*
(c) #2 Alternate – Deputy Chief Risk Officer
* CRO is primary contact for threat and security incidents / Contact information is in Police Dispatch
Information Technology Use

333.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

333.1.1 DEFINITIONS
Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the University of California Irvine Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

333.2 POLICY
It is the policy of the University of California Irvine Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

333.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.
The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

333.4   RESTRICTED USE
Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

333.4.1   SOFTWARE
Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or University-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

333.4.2   HARDWARE
Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.
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333.4.3 INTERNET USE
Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member’s assignment.

Downloaded information shall be limited to messages, mail, and data files.

333.4.4 OFF-DUTY USE
Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

333.5 PROTECTION OF AGENCY SYSTEMS AND FILES
All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

333.6 INSPECTION OR REVIEW
A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department...
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involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service. The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.
Registered Offender Information

334.1 PURPOSE AND SCOPE
This policy establishes guidelines by which the University of California Irvine Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

334.2 POLICY
It is the policy of the University of California Irvine Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

334.3 REGISTRATION
The Detective Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

334.3.1 CONTENTS OF REGISTRATION
The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph and any other information required by applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

334.4 MONITORING OF REGISTERED OFFENDERS
The Detective Bureau's supervisor should establish a system to periodically, and shall at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.
(c) Contact with a registrant’s parole or probation officer. Any discrepancies should be reported to the California DOJ.

The Detective Bureau's supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to University of California Irvine Police Department personnel, including timely updates regarding new or relocated registrants.

334.5 DISSEMINATION OF PUBLIC INFORMATION
Members will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the University of California Irvine Police Department’s website. Information on sex registrants placed on the University of California Irvine Police Department’s website shall comply with the requirements of Penal Code § 290.46.

The Records Analyst may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

334.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY
California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender’s full name
(b) The offender’s known aliases
(c) The offender’s sex
(d) The offender’s race
(e) The offender’s physical description
(f) The offender’s photograph
(g) The offender’s date of birth
(h) Crimes resulting in the registration of the offender under Penal Code § 290
(i) The date of last registration
Registered Offender Information

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

334.5.2 RELEASE NOTIFICATIONS
Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).
Standards of Conduct

335.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of the University of California Irvine Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member’s supervisors.

335.2 POLICY
The continued employment or appointment of every member of the University of California Irvine Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

335.3 DIRECTIVES AND ORDERS
Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

335.3.1 UNLAWFUL OR CONFLICTING ORDERS
Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.
Standards of Conduct

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

335.3.2 SUPERVISOR RESPONSIBILITIES
Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

335.4 GENERAL STANDARDS
Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

335.5 CAUSES FOR DISCIPLINE
The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

335.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or University manuals.
(b) Disobedience of any legal directive or order issued by any department member of a higher rank.
(c) Violation of federal, state, local or administrative laws, rules or regulations.
335.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the University of California Irvine Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member’s duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

335.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

335.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
Standards of Conduct

335.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

335.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

1. Members of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any University of California Irvine Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

335.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized extended breaks or sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.
335.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
   1. While on department premises.
   2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
   3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:
   1. Unauthorized attendance while on-duty at official legislative or political sessions.
   2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by University policy, the Memorandum of Understanding, or the Chief of Police. California’s Higher Education Employer Employee Relations Act (HEERA).

(h) Engaging in political activities during assigned working hours except as expressly authorized by University policy, the memorandum of understanding, or the Chief of Police. California’s Higher Education Employer Employee Relations Act (HEERA)

(i) Any act on- or off-duty that brings discredit to this department.

335.5.9 CONDUCT
Standards of Conduct

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the University.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

335.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
Standards of Conduct

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

335.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member’s ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
Limited English Proficiency Services

336.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

336.1.1 DEFINITIONS
Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the University of California Irvine Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

336.2 POLICY
It is the policy of the University of California Irvine Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

336.3 TYPES OF LEP ASSISTANCE AVAILABLE
University of California Irvine Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.
Limited English Proficiency Services

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

336.4 AUTHORIZED INTERPRETERS
Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

336.4.1 SOURCES OF AUTHORIZED INTERPRETERS
The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other University departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

336.4.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE
Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.
Limited English Proficiency Services

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

336.5 CONTACT AND REPORTING
While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

336.6 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE
The University of California Irvine Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

336.6.1 EMERGENCY CALLS TO 9-1-1
Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

336.7 FIELD ENFORCEMENT
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may
involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

336.8 INVESTIGATIVE FIELD INTERVIEWS
In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter;
- An authorized telephone interpreter;
- Any other authorized interpreter.

Any Miranda warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated Miranda warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

336.9 CUSTODIAL INTERROGATIONS
Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. Miranda warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.
Limited English Proficiency Services

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

336.10 BOOKINGS
When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee’s health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

336.11 COMPLAINTS
The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

336.12 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

336.13 TRAINING
To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member’s training file in accordance with established records retention schedules.
336.13.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.
Officer-Involved Shootings and Deaths

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

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

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

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

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

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

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

337.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS
The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect’s crime occurred. For example, the University of California Irvine Police Department would control the investigation if the suspect’s crime occurred on the property or jurisdiction of the University of California, Irvine.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.
337.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS
The control of the criminal investigation into the involved officer’s conduct during the incident will be determined by the employing agency’s protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

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

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

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Criminal Investigation of Suspect(s)</th>
<th>Criminal Investigation of Officer(s)</th>
<th>Civil Investigation</th>
<th>Administrative Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>UCIPD Officer in This Jurisdiction</td>
<td>UCIPD Investigators</td>
<td>District Attorney’s Office</td>
<td>UCI Civil Liability Team</td>
<td>Assistant Chief</td>
</tr>
<tr>
<td>Allied Agency's Officer in This Jurisdiction</td>
<td>UCIPD Investigators</td>
<td>District Attorney’s Office</td>
<td>Involved Officer's Department</td>
<td>Involved Officer's Department</td>
</tr>
<tr>
<td>UCIPD Officer in Another Jurisdiction</td>
<td>Agency where incident occurred</td>
<td>Decision made by agency where incident occurred</td>
<td>UCI Civil Liability Team</td>
<td>Assistant Chief</td>
</tr>
</tbody>
</table>

* The UC Irvine Police Department may relinquish its criminal investigation to an outside law enforcement agency as directed by the Chief of Police or his/her designee.

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

337.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting, the first uninvolved UCIPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.
(b) Take reasonable steps to obtain emergency medical attention for injured individuals.
(c) Determine if a public safety statement from the involved parties is necessary and if so request one.
Officer-Involved Shootings and Deaths

(d) Request additional resources from the Department or other agencies.
(e) Coordinate a perimeter or pursuit of suspects.
(f) Check for injured persons and evacuate as needed.
(g) Brief the supervisor upon arrival.

337.5.2 WATCH COMMANDER RESPONSIBILITIES
Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police, Assistant Chief, or a Lieutenant.

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

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

Operations Lieutenant, who shall notify the Support Services Lieutenant, Assistant Chief, and Chief of Police.

• The Support Services Lieutenant or designee shall notify the following person(s) as soon as practical:
  • Officer-Involved Shooting protocol rollout team
  • Outside agency investigator (if appropriate)
  • Internal Affairs Unit supervisor
  • Civil liability response team
  • Psychological/peer support personnel
  • Chaplain
  • Coroner (if necessary)
  • Involved officer’s agency representative (if requested)
  • Public Information Officer

337.5.4 INVOLVED OFFICERS
The Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following shall be considered for the involved officer:

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

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
(c) Discussions with department representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.

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

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

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

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

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

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

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
   1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any UCIPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
   1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
   2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
(c) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.

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

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

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

2. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

337.6 CRIMINAL INVESTIGATION

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

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

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

(a) UCIPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of UCIPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

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

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.
337.6.1 REPORTS BY INVOLVED UCIPD OFFICERS
In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved UCIPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals (Government Code § 3304(a)).

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

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

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

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

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

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
   1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

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

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

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

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

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

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

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

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

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.
2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer’s statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

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

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

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

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

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

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

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

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

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

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

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

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

337.12 DEBRIEFING
Following an officer-involved shooting or death, the University of California Irvine Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

337.12.1 CRITICAL INCIDENT/STRESS DEBRIEFING
A critical incident/stress debriefing should occur as soon as practicable. The Administrative Services Lieutenant is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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

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

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

338.1 PURPOSE AND SCOPE
This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

338.2 DEFINITIONS
Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant;

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant;

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

338.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Sergeant.

(c) By the tenth day of each month, it shall be the responsibility of the Investigation Sergeant to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).
Anti-Reproductive Rights Crimes Reporting

338.3.1 ARRC ONLINE REPORT FORM
The mandated form may be found online at: http://lib.post.ca.gov/Publications/Anti-ReproductiveRights.pdf
Child Abuse

339.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when University of California Irvine Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

339.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

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

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

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

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the
Child Abuse

person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury
(Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors,
nor does it include an injury caused by the reasonable and necessary force used by a peace
officer acting within the course and scope of his/her employment as a peace officer.

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

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

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

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

(a) Conduct interviews in child appropriate interview facilities.

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

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

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

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

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable
(Welfare and Institutions Code § 18961.7).

339.5 INVESTIGATIONS AND REPORTING
In all reported or suspected cases of child abuse, a report will be written. Officers shall write a
report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as
applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all
circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without
the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the
statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the
person making the decision, and why other alternatives were not appropriate.
Child Abuse

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

339.5.1 EXTRA JURISDICTIONAL REPORTS
If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

339.6 PROTECTIVE CUSTODY
Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):
Child Abuse

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child’s health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

339.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW
An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

339.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS
Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.
Child Abuse

339.7 INTERVIEWS

339.7.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

When responding to a report of child sexual abuse with a social worker already involved, the responding officer will attempt to obtain as much information as possible from the social worker to avoid duplicating the interview. The initial joint interview will be conducted by both the police officer, and/or investigator, and a social services worker. The selection of the primary interviewer will be based on a variety of factors including: the experience and training of interviewers, the rapport already established with the child, and the information already known. The officer is responsible for coordinating his or her preliminary criminal investigation with the initial assessment interview by the emergency response worker, whenever possible. The objective is to minimize the number of interviews the child victim endures without negatively impacting the criminal investigation.

In addition, the officer will share with the responding social worker a responsibility for ensuring that the child is protected. The officer is responsible for deciding whether a child should be taken into protective custody under the authority of W & I Code Section 306 (b) (effective January, 1989). Ideally, when making a decision to take the child into protective custody, a consensus should be reached between the officer and the responding social worker. If the officer has decided to place the child in protective custody, arrangements must be made to transport the child to the Child Protective Facility.

If the officer responds to an initial referral unaccompanied by an emergency response worker and makes a decision not to place the victim in protective custody, he or she will advise the Child Abuse Registry as soon as possible, in compliance with departmental procedures and legal requirements.

Interview Site:

An assessment should be made by the officer concerning the site of the joint interview. Every effort should be made to conduct the interview at a site likely to place the child victim at ease.

Following the initial contact interview, if the circumstances indicate that an additional detailed interview should be conducted, every effort should be made to schedule the interview at Child Abuse Services Team (CAST), whenever deemed appropriate by the investigating detective and the District Attorney. The responsible officer will call the facility to schedule the date and time.

When a criminal investigation is in progress, the officer will work with the social workers investigating dependency to coordinate the interview of the child victim. The UC Irvine Police Department will share information obtained from the interviews with the Child Protective Agencies involved, provided sharing the information will not interfere with the criminal investigation.
The initial responding officer should consider utilizing the expertise of the social services representative, if one is present. The assigned officer will coordinate and participate in the assessment and interview of the victim(s) with the emergency response social worker.

When appropriate, the UC Irvine Police Department will refer victims of child sexual abuse to CAST for the support and victim services CAST provides.

During business hours and whenever possible, the assigned officer, in consultation with the medical providers and District Attorney at CAST, will determine if a medical examination of the victim is necessary. In non-emergency cases, the examination should be performed by appointment at CAST.

The officer will provide the emergency response worker with a DR number to be included on the DOJ Form SS8583, and comply with the mandatory reporting statute.

Upon conclusion of the interview, the assigned officer is encouraged to participate in the multidisciplinary team review of the case if such a meeting is requested.

The officer assigned to the preliminary investigation, and the follow-up investigator, will ensure that all pertinent evidence, medical reports, and written statements are collected. The completed investigation will be referred to the District Attorney, Social Services, Victim Services, and the Child Abuse Services Team (CAST) for exchange of information pertinent to the case developed after filing.

339.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW
An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a)  Exigent circumstances exist, such as:
    1.  A reasonable belief that medical issues of the child need to be addressed immediately.
    2.  A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
    3.  The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b)  A court order or warrant has been issued.

339.7.3 INTERVIEWS AT A SCHOOL
Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member’s presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).
Child Abuse

339.8 MEDICAL EXAMINATIONS
If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child’s transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

339.9 DRUG-ENDANGERED CHILDREN
A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

339.9.1 SUPERVISOR RESPONSIBILITIES
The Detective Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

339.9.2 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Bureau supervisor so an interagency response can begin.

339.10 STATE MANDATES AND OTHER RELEVANT LAWS
California requires or permits the following:
339.10.1 RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

339.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)
Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California’s CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

339.10.3 CACI HEARING OFFICER
The Detective Bureau supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person’s name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

339.10.4 CACI HEARING PROCEDURES
The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports.
(b) Statements by investigators.
(c) Statements from representatives of the District Attorney’s Office.
(d) Statements by representatives of a child protective agency who may be familiar with the case.

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party’s name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the
person’s name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

339.10.5 CHILD DEATH REVIEW TEAM
This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

339.11 TRAINING
The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting forensic interviews.
(c) Availability of therapy services for children and families.
(d) Availability of specialized forensic medical exams.
(e) Cultural competence (including interpretive services) related to child abuse investigations.
(f) Availability of victim advocate or guardian ad litem support.
Vehicle Pursuits

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

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

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

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

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

340.2.1 WHEN TO INITIATE A PURSUIT
Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.
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The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

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

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

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

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

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

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

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

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

(i) Vehicle speeds.

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

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

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

340.2.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect’s escape.

The factors listed in when to initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.
In addition to the factors listed in when to initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

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

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

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

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

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

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

(g) Pursuit is terminated by a supervisor.

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

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

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

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

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

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

340.3.1 MOTORCYCLE OFFICERS
A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.
340.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT
Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency equipment.

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

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

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

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

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

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
(b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
(c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.
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340.3.5 PURSUIT DRIVING TACTICS
The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

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

(b) Because intersections can present increased risks, the following tactics should be considered:
   1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
   2. Pursuing units should exercise due caution when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
   1. Requesting assistance from an air unit.
   2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
   3. Requesting other units to observe exits available to the suspects.

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

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

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

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

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.
340.3.7 PURSUIT TRAILING
In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

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

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

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

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

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

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

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

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

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Ensuring that aircraft are requested if available.

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

(h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
(i) Controlling and managing UCIPD units when a pursuit enters another jurisdiction.
(j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

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

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

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

340.5.1 COMMUNICATION CENTER RESPONSIBILITIES
Upon notification that a pursuit has been initiated, the Communications Center will:
(a) Coordinate pursuit communications of the involved units and personnel.
(b) Notify and coordinate with other involved or affected agencies as practicable.
(c) Ensure that a field supervisor is notified of the pursuit.
(d) Assign an incident number and log all pursuit activities.
(e) Broadcast pursuit updates as well as other pertinent information as necessary.
(f) Notify the Watch Commander as soon as practicable.

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

340.6 INTER-JURISDICTIONAL CONSIDERATIONS
When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.
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340.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY
Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the University of California Irvine Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

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

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

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

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

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

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

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

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.
340.7 PURSUIT INTERVENTION
Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practicable.

340.7.1 WHEN USE IS AUTHORIZED
Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

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

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

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

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

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

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

340.7.3 USE OF FIREARMS
The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.
340.7.4 INTERVENTION STANDARDS
Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

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

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

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

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

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

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

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

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

340.7.5 CAPTURE OF SUSPECTS
Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

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

340.8 REPORTING REQUIREMENTS
The following reports should be completed upon conclusion of all pursuits:

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

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

(c) After first obtaining the available information, a field supervisor shall promptly complete a Supervisor’s Log, briefly summarizing the pursuit, and submit it to his/her manager. This log should minimally contain the following information:

1. Date and time of pursuit.
2. Length of pursuit.
3. Involved units and officers.
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4. Initial reason for pursuit.

5. Starting and termination points.

6. Disposition (arrest, citation), including arrestee information if applicable.

7. Injuries and/or property damage


9. Name of supervisor at scene.

10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.
Communications with Persons with Disabilities

342.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

342.1.1 DEFINITIONS
Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

342.2 POLICY
It is the policy of the University of California Irvine Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

342.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR
The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Lieutenant or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the University ADA coordinator regarding the University of California Irvine Police Department’s efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.
Communications with Persons with Disabilities

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:
   1. Contact information;
   2. Availability.

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

342.4 FACTORS TO CONSIDER
Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

342.5 INITIAL AND IMMEDIATE CONSIDERATIONS
Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.
Communications with Persons with Disabilities

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual;
(b) The nature, length and complexity of the communication involved;
(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the University of California Irvine Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

342.6 TYPES OF ASSISTANCE AVAILABLE

University of California Irvine Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.
342.7 AUDIO RECORDINGS AND ENLARGED PRINT
The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

342.8 QUALIFIED INTERPRETERS
A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested;
(b) Experienced in providing interpretation services related to law enforcement matters;
(c) Familiar with the use of VRS and/or video remote interpreting services;
(d) Certified in either American Sign Language (ASL) or Signed English (SE);
(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser;
(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

342.9 TTY AND RELAY SERVICES
In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.
342.10 COMMUNITY VOLUNTEERS
Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

342.11 FAMILY AND FRIENDS
While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available;

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

342.12 REPORTING
Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

342.13 FIELD ENFORCEMENT
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.
The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual’s preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

342.13.1 FIELD RESOURCES
Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech;

(b) Exchange of written notes or communications;

(c) Verbal communication with an individual who can speech read by facing the individual and speaking slowly and clearly;

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes;

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

342.14 CUSTODIAL INTERROGATIONS
In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Miranda warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written Miranda warning card.
Communications with Persons with Disabilities

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

342.15 ARREST AND BOOKINGS
If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee’s health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

342.16 COMPLAINTS
The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

342.17 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

342.18 TRAINING
To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:
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(a) Awareness and understanding of this policy and related procedures, related forms and available resources;

(b) Procedures for accessing qualified interpreters and other available resources;

(c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided, and will retain a copy in each member’s training file in accordance with established records retention schedules.

342.18.1 CALL-TAKER TRAINING
Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers;

(b) ASL syntax and accepted abbreviations;

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls;

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.
Temporary Custody of Juveniles

343.1 PURPOSE AND SCOPE
This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the University of California Irvine Police Department (34 USC § 11133).

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

343.1.1 DEFINITIONS
Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

**Juvenile offender** - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

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

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
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(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

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

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

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

### 343.2 POLICY

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

### 343.3 JUVENILES WHO SHOULD NOT BE HELD

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

(a) Unconscious.

(b) Seriously injured.

(c) A known suicide risk or obviously severely emotionally disturbed.

(d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent.

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

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

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

343.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY
When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

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

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

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

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

343.4.1 CUSTODY OF JUVENILE NON-OFFENDERS
Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the University of California Irvine Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions
Temporary Custody of Juveniles

Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination.

343.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

343.4.3 CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the University of California Irvine Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

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

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

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

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

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile’s freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).
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343.5 ADVISEMENTS
Officers shall take immediate steps to notify the juvenile’s parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

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

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

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

343.6 JUVENILE CUSTODY LOGS
Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

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

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.
343.7 NO-CONTACT REQUIREMENTS
Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d); Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

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

343.8 TEMPORARY CUSTODY REQUIREMENTS
Members and supervisors assigned to monitor or process any juvenile at the University of California Irvine Police Department shall ensure the following:

(a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the University of California Irvine Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the University of California Irvine Police Department more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

2. This does not apply to surreptitious and legally obtained recorded interrogations.

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

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

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

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

(i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
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(j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).
   1. The supervisor should ensure that there is an adequate supply of clean blankets.

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

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

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

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

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

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

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

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

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the University of California Irvine Police Department.

343.11 SECURE CUSTODY
Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.
Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):

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

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

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

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

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

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

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

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
(b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).
(d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).

1. All safety checks shall be logged.
Temporary Custody of Juveniles

2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).

3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room (15 CCR 1147).

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

343.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE
The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the University of California Irvine Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police, Assistant Chief, Operations Lieutenant, and Support Services Lieutenant.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the University attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

343.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS
No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of Miranda rights, an officer shall permit a juvenile 15 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.
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343.13.1 MANDATORY RECORDINGS OF JUVENILES
Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

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

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

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

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

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

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Watch Commander, Operations Lieutenant, Support Services Lieutenant, or Public Safety Division Lieutenant, giving due consideration to the following:
Temporary Custody of Juveniles

(a) The gravity of the offense.
(b) The past record of the offender.
(c) The age of the offender.

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

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

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

343.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION
The Operations Lieutenant shall coordinate the procedures related to the custody of juveniles held at the University of California Irvine Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

343.17 RELIGIOUS ACCOMMODATION
Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).
Outside Agency Assistance

344.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

344.2 POLICY
It is the policy of the University of California Irvine Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

344.3 ASSISTING OUTSIDE AGENCIES
Generally, requests for any type of assistance from another agency should be routed to the Watch Commander’s office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

344.3.1 INITIATED ACTIVITY
Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the University of California Irvine Police Department shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

344.4 REQUESTING OUTSIDE ASSISTANCE
If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.
Outside Agency Assistance

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

344.5 REPORTING REQUIREMENTS
Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

344.6 MANDATORY SHARING
Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Support Services Division Lieutenant or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.
(b) The training requirements for:
   1. The use of the supplies and equipment.
   2. The members trained in the use of the supplies and equipment.
(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.
Community Relations

345.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

345.2 POLICY
It is the policy of the University of California Irvine Police Department to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

345.3 MEMBER RESPONSIBILITIES
Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships.

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

345.4 INFORMATION SHARING
The Department should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications,
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significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

(a) Community meetings.
(b) Social media (see the Department Use of Social Media Policy).
(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

345.5 LAW ENFORCEMENT OPERATIONS EDUCATION
The Department should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.
(b) Department website postings.
(c) Presentations to driver education classes.
(d) Instruction in schools.
(e) Department ride-alongs (see the Ride-Along Policy).
(f) Scenario/Simulation exercises with community member participation.
(g) Internships at the Department.
(h) Community Police Academy.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

345.6 SAFETY AND OTHER CONSIDERATIONS
Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members may be subject to a criminal history check before approval for participation in certain activities, such as citizen academies.
345.7 TRANSPARENCY
The Department should periodically publish statistical data and analysis regarding the department’s operations. The reports should not contain the names of officers, suspects or case numbers.

345.8 TRAINING
Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.
(b) Cultural, racial and ethnic diversity and relations.
(c) Building community partnerships.
(d) Community policing and problem-solving principles.
(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.
Enforcement Actions in Campus Facilities

346.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance and direction to members of this department when entering spaces that are immediately occupied by persons using the facilities for ongoing university class, lectures and other associated academic activity.

346.2 POLICY
The UC Irvine Police Department is committed to creating a safe environment for faculty, staff and students to work and learn in. This environment includes all classrooms, lecture halls, and other academic facilities located on, or under the control of UC Irvine. Department members will strive to not disrupt or intrude upon these academic spaces for enforcement activities. Nonetheless, there will be instances when police department personnel must enter classrooms, facilities, or other spaces to take enforcement action, or perform other law enforcement related duties.

346.3 ENFORCEMENT ACTION
Officers and other police department personnel should not enter into classrooms to take enforcement action or perform other law enforcement related duties when the space is immediately being used by students, staff or other university sanctioned groups or person(s) except in the following circumstances:

(a) When invited to enter.
(b) In an emergency or an exigent situation that would cause a department member to believe that immediate action is necessary to prevent physical harm to an individual(s), and/or prevent property damage.
(c) When an individual(s) is committing or threatening to commit an act(s) of violence.
(d) When department members are summoned to maintain public order and/or safety, or to removed anyone being disruptive to the normal working operations of the facility or area.
(e) All medical emergencies.
(f) With a search warrant, arrest warrant and/or other legal process.
(g) With the approval of the Chief of Police or designee.

Whenever practicable, either before or after the action, a department member(s) should speak with and inform the person in charge of the facility or area at the time the action was undertaken of the reason for the enforcement action necessitating immediate entry.
Body Worn Audio/Video System

347.1 PURPOSE
The University of California is committed to officer safety and public safety. The University has equipped its police departments with body worn audio-visual cameras (“BWV’s”, “devices” or “cameras”) for use as part of the officer’s uniform for the recording of field activity in the course of official police duties. The cameras are intended to provide a visual and audio record of police duties, including public contacts, arrests, and critical incidents. BWV’s provide documentation to be used in criminal investigations and prosecutions, internal or administrative investigations, training, and other circumstances. They also serve to enhance the accuracy of police reports, testimony in court, and enhance the Department’s community relationship-based policing efforts.

Body worn cameras provide a limited perspective of any encounter and must be considered with all available facts and evidence, such as officer perception, witness statements, officer interviews, other available video documentation, forensic and/or expert analysis, and documentary evidence. The cameras cannot always show the full narrative nor do they capture an entire scene. The use of cameras does not reduce or alter the requirement to provide thorough written documentation as required by this or other policies.

Persons reviewing recordings must be cautious before conclusions are reached about what the video shows, or when evaluating the appropriateness of an officer’s actions in a particular situation. Evaluating an officer’s actions must take into account a variety of factors and other circumstances.

The University is committed to officer safety and public safety. Officers must follow existing officer safety policies when contacting citizens or conducting vehicle stops as outlined in Department policies and procedures. Officer safety and the safety of the public shall always be the primary consideration, not the ability to record an event.

This policy is intended to balance the respect for privacy and other University values with legal, policy, and administrative obligations. Officers should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion at all times.

347.2 POLICY

347.2.1 REQUIRED USERS
The following sworn personnel, from Lieutenant through Officer, are required to wear the BWV system while on duty, unless otherwise exempted by this Chapter:

(a) Uniformed personnel while on regular assignment or on overtime status;
(b) Detectives working in the field in an enforcement or specialized investigative (e.g., gang task force, violent crime task force) capacity, unless the use of BWV may compromise the identity of an undercover officer, confidential informant, or jeopardize tactics;
(c) Personnel serving a search warrant, unless the use of the BWV may compromise the identity of an undercover officer, confidential informant, or jeopardize officer safety or
tactics. Any exception to recording pursuant to this subsection (c) must receive prior approval from the Chief of Police or designee;

(d) Other sworn personnel deemed appropriate by the Chief of Police or designee.

347.3 DEPARTMENT-ISSUED EQUIPMENT ONLY
Officers assigned a BWV camera must not use any other non-Department issued video or audio equipment, such as personally owned video or audio equipment, mobile devices or cell phones, to record enforcement or investigative activities involving members of the public unless authorized by the Chief of Police or designee.

Nothing in this policy precludes officers or other Department personnel from using authorized still photography equipment.

347.4 LOCATION OF BODY WORN CAMERA
The BWV camera generally consists of a body-mounted camera with a built-in microphone. The BWV shall be worn on the outside of the outermost garment (e.g., load-bearing vest, raincoat) or other departmental approved mounting option, on the upper torso, and facing forward in such a way to facilitate optimum recording field of view.

347.5 REQUIRED ACTIVATION OF BODY WORN CAMERA
Subject to the exceptions contained in this Chapter, or pursuant to the direction of a supervisor, officers shall activate their BWV device prior to initiating any criminal investigative or enforcement activity involving a member of the public, including all:

(a) Vehicle or bicycle enforcement stops;
(b) Pedestrian stops;
(c) Calls for service;
(d) Foot pursuits;
(e) Searches (except strip searches);
(f) Arrests;
(g) Uses of force;
(h) In-custody transports;
(i) Witness or victim interviews;
(j) Forced entry search warrants/tactical deployments;
(k) When weapons other than those in the possession of law enforcement are present or alleged to be present;
(l) Any encounter that becomes adversarial after the initial contact;
(m) Initial inventory of seized money or high value property;
(n) Crowd management events;
Body Worn Audio/Video System

(o) Other investigative or enforcement activities where, in the officer’s judgment, a video recording would assist in the investigation or prosecution of a crime, or assist in documenting the incident for later investigation or review.

347.6 EXCEPTIONS TO REQUIRED ACTIVATION OR CONTINUED RECORDING
Exceptions to required activation or continuation of the BWV recording are:

(a) When, in the officer’s judgment, activation, continuing to record, or changing the BWV functions would jeopardize their safety or the safety of the public. However, the officer shall activate or re-activate their BWV as soon as it is safe and practicable to do so unless other exceptional circumstances exist;

(b) When a witness or victim refuses to provide a statement if recorded by the BWV and the encounter is not confrontational;

(c) When, in the officer’s judgment, a recording would interfere with their ability to conduct an investigation;

(d) When, in the officer’s judgment, a recording would be inappropriate because of the victim or witness’s physical condition, emotional state, age, or other sensitive circumstances;

(e) When recording could risk the safety of a confidential informant, citizen informant, victim, or undercover officer;

(f) In patient care areas of a hospital, clinic, rape treatment center, or other healthcare facility (including mental health) unless enforcement action is being taken in these areas. If recording is necessary, officers shall make reasonable efforts to avoid recording individuals other than the suspect;

(g) Once a crime scene is secured and the officer no longer has an investigative role, and where the chance of encountering a suspect is unlikely;

(h) Prior to or while discussing a case on scene with other officers or during on-scene tactical planning;

(i) When, in the officer’s judgment, privacy concerns outweigh any legitimate law enforcement interest in recording;

(j) When ordered to stop recording by a supervisor;

(k) When the recording of a person is in violation of the law.

347.7 DISCRETIONARY ACTIVATION
There are many enforcement or criminal investigation situations where the use of the BWV is appropriate, and this policy is not intended to describe every circumstance in which recording would be appropriate or otherwise further the purpose of body cameras. In addition to the circumstance in which activation is required, officers should activate the camera any time they feel its use would be appropriate and valuable to document an on-duty incident, unless otherwise prohibited by this policy or law.
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347.8 ASSIGNMENTS TEMPORARILY PREVENTING BWV USE
It is recognized that officers subject to call out, motorcycle officers, or K9 unit officers may not have access to their BWV equipment prior to responding to a scene, or participating in an enforcement or criminal investigation. In these cases, officers should pick up their camera as soon as practicable.

347.9 RECORDING OF ENTIRE EVENT
Once activated, the BWV shall remain on until the conclusion of the contact or event, unless authorized by a supervisor or otherwise permitted under this Chapter.

347.10 DOCUMENTATION OF RECORDINGS, FAILURE TO ACTIVATE, OR DISCONTINUATION OF BWV RECORDINGS
Officers shall document, in the appropriate report (e.g., police report, traffic citation, CAD entry), if they have captured an incident, did not capture an incident, and/or if they interrupted the recording for any reason.

If an officer does not activate the BWV prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the officer shall notify their supervisor of the reason(s) in writing.

347.11 NOTICE TO MEMBERS OF THE PUBLIC OF BWV RECORDING
Officers are not required by law or this Chapter to obtain consent from members of the public when the officer is lawfully in an area where the recording takes place. However, officers may inform individuals they are recording, when feasible to do so, particularly when the advisement may gain compliance or cooperation, or assist in an investigation.

In addition, officers entering into a private space, (e.g., residences, restrooms, locker rooms), must make a reasonable effort to notify the occupants that the BWV is present before entering the area, unless: the officer enters the area pursuant to a warrant; such notice would, in the officer’s judgment, jeopardize their safety or the safety of the public; such notice would compromise an investigation or tactics; or if other exigent circumstances exist.

347.12 PLAYBACK OF BWV RECORDING
Officers are not required to play back BWV recordings to allow members of the public to review the video footage in the field.

347.13 PROHIBITED BWV RECORDING
The activation or use of the BWV is prohibited, unless otherwise authorized by this Chapter, during:

(a) Department briefings, meetings, roll calls or while in private Department spaces such as locker rooms, break rooms or restrooms;

(b) Non-work related activities or other activities not related to enforcement contact nor criminal investigation;
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(c) Private conversations with any other member of the Department without the written consent of all involved parties;
(d) Department administrative investigations;
(e) Homicide or other major crime briefings, or during a homicide walk-through;
(f) Contact with confidential informants;
(g) Depositions, court proceedings, pre-trial conferences, or any other judicial or quasi-judicial proceedings (e.g., administrative hearings such as Department of Motor Vehicle hearings);
(h) While in a facility whose primary purpose is to provide psychiatric or medical services unless responding to a call for service involving a suspect or taking a suspect, victim, or witness statement;
(i) While inside jail facilities;
(j) Any area where audio or video recording is prohibited by law.

Nothing in this section is intended to interfere with an officer’s ability to openly record an interrogation pursuant to California Govt. Code §3303(g), or to preclude activating the BWV when confronting a violent or assaultive suspect or other circumstance where a reasonable use of force may be anticipated.

347.14 TRAINING
Officers who are assigned the BWV must complete Department approved training in BWV policies, proper use, and maintenance of the device before using the system in the field. Supervisors must complete Department approved training in the supervision and management of the BWV system.

Supplemental training will be conducted when deficiencies are identified in policy compliance, use, maintenance, or supervision and management of the BWV system. Additional appropriate training will also be conducted should there be changes in policy, hardware, or software that affects the use, maintenance, supervision or management of the system.

347.15 INSPECTION AND TESTING OF EQUIPMENT
Officers shall be responsible for inspecting and testing their BWV equipment at the start of their shift and shall ensure that the equipment is properly functioning. Officers shall notify their supervisor, in writing, if the BWV equipment is not properly functioning. For purposes of this Chapter “in writing” shall include e-mail.

347.16 ASSIGNED BWV EQUIPMENT
No officer shall use BWV equipment not assigned to them, unless authorized by a supervisor.

347.17 DAMAGED, MALFUNCTIONING OR INOPERABLE EQUIPMENT
The BWV equipment is the responsibility of the assigned officer and must be used with reasonable care to ensure proper functioning and reliability. If an officer’s BWV malfunctions or is damaged or
inooperable, the officer shall notify the on-duty supervisor. Campuses shall develop and implement local policies on notification and documentation of such notification.

If feasible, the supervisor shall provide the officer with a functional BWV prior to the officer deploying to the field. However, the lack of a BWV unit shall not prevent an officer from working their shift or assignment.

An officer shall not be held financially responsible for damaged, malfunctioning or inoperable equipment unless abuse of the equipment by the officer is found to be the cause.

347.18 LABELING, CATEGORIZING AND UPLOADING RECORDINGS
Officers shall label, categorize and upload their BWV recordings into the BWV data storage system in accordance with UCPD procedure(s).

347.19 VIEWING RECORDING BY RECORDING OFFICER
Subject to the exceptions in this Chapter, officers should review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to assist with reports, statements, and documentation that are accurate and complete. Officers must not use the fact that a recording was made to avoid preparing an accurate, detailed, and complete report.

347.20 MODIFICATION, ALTERATION, OR DELETION
No employee shall modify, alter, or delete video or audio once recorded by the BWV camera, except as authorized by Department policy.

347.21 REQUEST FOR DELETION OF ACCIDENTAL RECORDING
In the event of an accidental activation of the BWV where the resulting recording is of no potential investigative or evidentiary value, the recording officer may request that the BWV file be deleted by submitting a request in writing to the Chief of Police or designee who shall review the recording, and if approved, send the request to the system administrator for deletion.

347.22 RESTRICTION OF PERSONAL OR SENSITIVE INFORMATION
In the event of a BWV recording that captures sensitive or personal information for which access should be restricted (“restricted recording”), an officer may submit a request in writing to the Chief of Police or designee to restrict access to that portion of the recording. The Chief of Police or designee will determine what, if any, portion of the recording shall be restricted. The system manager will then restrict access to only that portion of the recording that is approved. The remainder of the recording will be maintained consistent with existing policy.

347.22.1 ACCESS TO RESTRICTED RECORDING BY AUDITOR OR INVESTIGATOR
The Chief of Police or designee may allow an investigator or auditor to view a recording that has been restricted pursuant to Section 347.22 if the request is necessary in order to conduct an authorized criminal investigation, administrative investigation, or a Department inspection or audit.
(a) **Notification Prior to Access of Restricted Recording.** Prior to granting access, the Chief of Police or designee must notify the officer who originally requested that the recording be restricted. If the original officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection in writing within seven calendar days of receiving notification. Absent exigent circumstances, the restricted portion of the recording shall not be disclosed or reviewed by others until the Chief of Police or designee has made a determination regarding the objection and disclosure.

Once a final determination has been made, the original requesting officer will be notified in writing within 48 hours, and prior to release of the restricted information.

(b) **Exception to Notification Requirement for Restricted Recording.** When notification of a request to review a restricted recording would compromise an ongoing administrative or criminal investigation, the notification requirement in Section 347.22.1(a) shall not apply if approved by the Chief of Police or designee.

### 347.22.2 ACCESS TO RESTRICTED RECORDING BY LAW ENFORCEMENT OR LEGAL OBLIGATION

If a restricted recording is requested by another law enforcement agency, or the Department is required to produce it by law, the officer who originally requested the information be restricted will be notified, absent exigent circumstances, of the request or legal requirement, within 48 hours, in writing.

### 347.23 UNAUTHORIZED ACCESS TO RECORDINGS PROHIBITED

Although the data captured by the BWV is not considered Criminal Offender Record Information (“CORI”), it shall be treated as such and in accordance with Department policy regarding access to CORI. All access to the system must be logged and is subject to audit at any time. Accessing, viewing, copying, or releasing BWV data, including recordings, for non-law enforcement purposes not otherwise authorized by this Chapter is strictly prohibited and will result in disciplinary action.

Access to BWV data shall only be from Department authorized computers, Department work stations or the BWV cameras. However, administrative users of the BWV data or evidence management system may access the data from a Department authorized device outside of the Department for the purpose of completing administrative tasks, such as locking or unlocking users.

### 347.24 COPYING OF BWV RECORDING OR DATA

Personnel shall not make copies of any BWV recording for personal use or to share with unauthorized individuals or entities. Only department authorized devices shall be used to copy, view, share, or otherwise distribute BWV recordings. Digital evidence captured by BWC are investigative records and shall be handled pursuant to existing Department policies and procedures.

### 347.25 REVIEW OF BWV RECORDINGS BY DEPARTMENTAL EMPLOYEES

Access to BWV data shall be limited as follows, unless otherwise provided for in this Chapter:
(a) Officers may view their own BWV data for official Department business;

(b) Any employee may review BWV data as it relates to:

1. Their involvement in an incident for purposes of completing a criminal investigation and/or preparing official reports;
2. Prior to courtroom testimony, courtroom presentation, or testimony at a quasi-judicial administrative hearing;
3. Providing a statement in an administrative investigation.
4. Providing a statement in a criminal investigation, including officer-involved shooting investigations and other uses of force;
5. This section does not apply to sworn personnel providing a public safety statement following a critical incident.

(c) When exigent circumstances exist, such as identifying a suspect or other pertinent information in the event of an injured officer;

(d) Supervisors and/or investigators who are investigating an allegation of misconduct, may view the recording in order to assist in the investigation. For citizen complaints, a supervisor may independently review applicable video. For internally generated allegations of misconduct, a supervisor shall receive authorization from the Chief of Police or designee to review any applicable video;

(e) Command staff may randomly review BWV recordings for the purposes of validity testing, including the review of one recording per officer per month. Any BWV system deficiencies identified will be documented and remedied. The method of random selection will be agreed upon between the Federated University Police Officers Association (FUPOA) and the UC Council of Chiefs. Any performance issues will be discussed with the officer and training provided. Any criminal activity will be investigated.

(f) To allow for necessary administrative functions such as BWV data management, system maintenance and repair, and evidence management;

(g) Command staff, supervisors, and authorized Department personnel may conduct random periodic inspections and reviews to determine whether Department personnel are accessing BWV recordings and data for legitimate and authorized purposes;

(h) Supervisors may review BWV recordings, but not in violation of Section 347.27, as follows:

1. When necessary as part of the report approval process.
2. To ensure that the video and audio was properly captured, uploaded/downloaded;
3. To ensure that the video and audio was categorized appropriately for evidentiary or retention purposes;
4. To conduct roll call training on expectations, use and maintenance of BWV equipment. Any use of BWV recordings for training must comply with Section 347.27 of this Chapter;
5. To debrief BWV-captured incidents of value after obtaining authorization from the Chief of Police or designee

6. In order to resolve citizen complaints pursuant to Section 347.25(d).

347.26 USE OF RECORDINGS FOR TRAINING
A BWV recording may be used for training, as long as the recording will not be used for disciplinary purposes. Any person recommending a particular recording shall submit the recommendation through the chain of command.

The Chief of Police or designee must notify the recording officer and any depicted officer of the intent to use the recording for training. If any such officer objects to the review, they shall immediately notify the Chief of Police or designee of the objection orally or in writing. The Chief of Police or designee shall determine whether an officer’s objection outweighs the training value.

347.27 RESTRICTION ON USE FOR MONITORING FOR VIOLATIONS OF POLICY/LAW
It shall be a violation of this policy for supervisors to review recordings for the sole purpose of looking for violations of Department policy or law not related to a specific complaint or incident. This section is not intended to restrict Command staff from performing monthly viewings of an officer’s recordings pursuant to Section 347.25(e) of this Chapter.

347.28 USE OF DEADLY FORCE - HANDLING OF RECORDING
For any use of force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury, the following shall apply:

(a) The supervisor of the involved officer(s) must take possession of their BWV equipment as soon as possible, ensuring that recording has stopped and that the power is off, and maintain custody until the BWV is transferred to the assigned investigator;

(b) The Chief of Police or designee will assign an investigator, and the assigned investigator shall take possession of the BWV camera, and perform the upload process, if necessary;

(c) In order to protect the integrity of the video and to ensure that the video is properly uploaded, the officer(s) involved shall not be allowed to review the BWV recording prior to turning over the BWV equipment to the supervisor.

(d) The involved officer shall be permitted to view the BWV video of the incident once the video has been uploaded to the server. If the officer chooses not to view the video prior to giving an initial statement, the officer will have an opportunity to review the recording(s) after the initial statement has been taken and provide a supplemental statement if desired.

(e) Prior to viewing the BWV, the officer must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A);

(f) The fact that the officer was given the opportunity to review the BWV should be documented, as well as the time, date and location of any such viewing;
Body Worn Audio/Video System

(g) Supervisors shall not view the BWV recording without express permission from the Chief of Police or designee;

(h) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence;

(i) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

See Video/Audio Evidence Review Acknowledgment: UC Irvine PD - BWV Acknowledgment.pdf

347.29 OTHER USE OF FORCE - HANDLING OF RECORDING
For any use of force not covered by Section 347.28, the following shall apply:

(a) Supervisors shall allow involved officer(s) to review their own BWV recordings;

(b) Supervisors shall allow involved officer(s) to review other BWV recordings, if deemed necessary to assist with complete and accurate reports and documentation of the incident;

(c) Prior to viewing the BWV, the involved officer(s) must read and sign the Video/Audio Evidence Review Acknowledgment (Attachment A);

(d) Use of the BWV will be properly documented in the appropriate report(s), and the recording booked into evidence;

(e) Supervisors shall ensure that BWV information is compiled for department review boards and/or administrative review reports (e.g., pursuit review, use of force review, etc.), when applicable.

See Video/Audio Evidence Review Acknowledgment: UC Irvine PD - BWV Acknowledgment.pdf

347.30 RETENTION
Digital evidence captured by BWC shall be treated as an investigative record and handled pursuant to existing Department retention policies and procedures.

347.31 TECHNICAL SPECIFICATIONS AND SYSTEM SECURITY
The University of California Systemwide Coordinator of Police Services shall, in consultation with the Council of Police Chiefs, develop minimum technical standards and specifications and system functionalities for BWV systems. In addition, the security of the BWV data must be in compliance with University policy and within the Criminal Justice Information Services guidelines.
Attachments
<table>
<thead>
<tr>
<th>Situation</th>
<th>Law Enforcement Response</th>
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<tr>
<td><strong>Lawful Assembly</strong></td>
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<td>Free Speech and assembly are</td>
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<td>protected First Amendment</td>
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<td>activities.</td>
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<td>- Speeches</td>
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<td>- Marches</td>
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<td>- Demonstrations</td>
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<td>- Rallies</td>
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<td>- Picketing</td>
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<td>- Public assemblies</td>
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<td>- Protests</td>
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<td>- Celebratory events</td>
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<td><strong>Isolated Unlawful Behavior</strong></td>
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<td>Isolated unlawful activity by</td>
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<td>individuals or small groups</td>
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<td>within a crowd should not</td>
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<td>automatically form the basis for</td>
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<td>declaring an assembly unlawful.</td>
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<td>- Isolated destruction of</td>
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<td>property</td>
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<td>- Isolated acts of violence</td>
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<td>- Isolated rock or bottle</td>
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<td>throwers</td>
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<td>- Individual sit down</td>
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<td>demonstrators</td>
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<td><strong>Unlawful Assembly</strong></td>
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<td>Assemblies may be dispersed</td>
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<td>when they are violent,</td>
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<td>or pose a clear and present</td>
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<td>danger of violence, or the group</td>
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<td>is breaking some other law in</td>
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<td>the process. If a crime</td>
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<td>is occurring, action must be</td>
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<td>taken to stop it prior to a</td>
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<td>dispersal order being given.</td>
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<td>Per Penal Code §407, two or more</td>
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<td>persons assemble to:</td>
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<td>- Commit an unlawful act or</td>
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<td>- Commit a lawful act in a</td>
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<td>bolsterous or tumultuous</td>
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<td>manner</td>
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<td><strong>Riot</strong></td>
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<td>Penal Code §404: (a) Any use</td>
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<td>of force or violence,</td>
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<td>disturbing the public peace, or</td>
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<td>any threat to use force or</td>
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<td>violence, if accompanied by</td>
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<td>immediate power of execution,</td>
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<td>by two or more persons acting</td>
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<td>together, and without</td>
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<td>authority of law, is a riot.</td>
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<td>- Group violent behavior</td>
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<td>- Group acts of property damage</td>
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<td><strong>Use Crowd Management strategies</strong></td>
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<td>Meet with event organizers and</td>
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<td>stakeholders</td>
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<td>Determine the history and risk</td>
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<td>of the group</td>
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<td>Create a planning team</td>
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<td>Check permit limitations</td>
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<td>Develop incident Action Plan and</td>
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<td>objectives</td>
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<td>Identify and assign resources</td>
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<td>Monitor and assess crowd</td>
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<td>behavior</td>
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<td><strong>Use Crowd Intervention strategies</strong></td>
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<td>Use organizers and monitors to</td>
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<td>gain voluntary compliance</td>
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<td>Isolate, arrest and remove law</td>
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<td>violators as quickly as possible</td>
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<td>Video action of officers and law</td>
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<td>violators</td>
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<td>Use amplified sound to</td>
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<td>communicate Intent or to gain</td>
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<td>compliance</td>
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<td>Use low profile tactics when</td>
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<td>possible. Don’t become the focus</td>
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<td>of the demonstration</td>
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<td><strong>Use Crowd Control strategies</strong></td>
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<td>Seek voluntary compliance</td>
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<td>Video action of officers and law</td>
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<td>violators</td>
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<td>Act quickly</td>
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<td>Request needed resources</td>
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<td>Put control forces in place</td>
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<td>Identify dispersal routes</td>
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<td>Consider a traffic plan</td>
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<td>Move media to protected area</td>
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<td>Use amplified sound to</td>
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<td>communicate Intent to declare</td>
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<td>an unlawful assembly</td>
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<td>Disperse unlawful crowd</td>
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<td><strong>Use Crowd Control strategies</strong></td>
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<td>Video action of officers and law</td>
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<td>violators</td>
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<td>Request needed resources</td>
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<td>Put control forces in place</td>
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<td>Stop the Illegal activity</td>
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<td>Put a traffic plan in place</td>
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<td>Track and contain groups involved</td>
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<td>in illegal behavior using</td>
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<td>cameras, observation posts,</td>
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<td>shadow teams or air unit</td>
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<td>Arrest law violators</td>
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<td>With proper approval, deploy</td>
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<td>appropriate less lethal</td>
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<td>munitions to defend officers or</td>
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<td>to stop violent behavior or</td>
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<td>property damage</td>
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<td>Ensure only reasonable force</td>
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<td>Report use of force</td>
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<td>Restore traffic flow</td>
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In this case, there is video evidence that you will have an opportunity to view after you have given a public safety statement (if applicable). Video evidence has limitations and may depict the events differently than you recall and may not depict any or all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The “frame rate” of video may limit the camera’s ability to capture movements normally seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident. You should not feel in any way compelled or obligated to explain any difference in what you remember and acted upon from what viewing the additional evidence provides you. If listening to audio recordings or viewing video recordings provides additional clarity to what you remember that is fine; if it does not, that is fine also.

Read and Acknowledged:

_________________________________________  __________________________
Signature                                                Date and Time

_________________________________________
Printed Name

Witnessed:

_________________________________________  __________________________
Signature                                                Date and Time

_________________________________________
Printed Name

Title/Position

Please note that this policy is undergoing preliminary review and is subject to revision throughout the review process.

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