PREFACE

The Policy Manual of the San Bruno Police Department represents the policies and procedures established to guide the operations of the organization.

In order to manage the Police Department, in consideration of the ever changing nature of law enforcement, the Chief of Police may authorize exceptions or variances to specific policies where such action does not conflict with legal precedent or mandates.

Ryan Johansen, Chief of Police

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

MISSION & VALUES STATEMENT

Mission Statement

Every member of the San Bruno Police Department is committed to providing the highest level of police service to our community. We are dedicated to preserving our community's peace while adhering to the highest level of ethical standards and professional conduct.

As service providers, we pledge to improve the quality of life for everyone who lives, works, and does business in our community. Being a partner with the community we serve is essential to building trust and mutual respect. These partnerships allow us to understand the community's concerns and enables us to identify and solve problems together.

Value Statement

Members of the San Bruno Police Department are dedicated to the community we serve and to our fellow employees. We believe in and are committed to the following values:

Honesty and Integrity are the fundamental building blocks on which credibility and trust are established with both the community and our peers. We will:

Consistently perform and behave in such a way that we exemplify the Law Enforcement Code of Ethics and are recognized for our commitment to ethical conduct and high professional standards.

Innovation is key to remaining viable with limited resources in today's competitive environment. We will:

Explore and implement technologies that will assist us in the efficient delivery of law enforcement services and reward those employees who define problems and develop usable solutions to address them.

Communication is the life blood of any organization. Honest, frequent interaction is the basis for establishing good working relationships and critical for team building. We will:

Promote good communications among all employees by creating and maintaining an environment which fosters loyalty and openness in sharing thoughts and ideas without fear of reprisal.

Listen to others when they talk. Interpersonal communications require patience and good listening skills. We recognize that informal communication is often more effective in resolving problems or concerns.

Strive to be approachable and sensitive to changing demographics. We will encourage each other to extend this relationship to the community, enabling us to better communicate with those we serve.

Quality Service occurs when an organization is committed to excellence in every task or assignment. Providing such service requires dedication to personal development and high professional standards. We will:

Provide a work environment that encourages all employees to better themselves through formal education and professional training.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

MISSION & VALUES STATEMENT

Produce the highest quality work product through teamwork that fosters confidence and respect for each other and the community we serve.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Table of Contents

PREFACE 1

LAW ENFORCEMENT CODE OF ETHICS 2

MISSION & VALUES STATEMENT 3

Chapter 1 - Law Enforcement Role and Authority 9
100 - Law Enforcement Authority 10
101 - Oath of Office 13
102 - Chief Executive Officer 14
103 - Policy Manual 15

Chapter 2 - Organization and Administration 19
200 - Organizational Structure and Responsibility 20
201 - Staffing Levels 22
202 - License to Carry a Firearm 23
203 - Training Policy 31
204 - Administrative Communications 33
205 - Electronic Mail 34
206 - Special Order 35
207 - Disaster Plan 36
208 - Retiree Concealed Firearms 37

Chapter 3 - General Operations 42
300 - Use of Force 43
301 - Vehicle Pursuits 53
302 - Officer Response to Calls 67
303 - Officer-Involved Shootings and Deaths 71
304 - Firearms 80
305 - Conducted Energy Device 91
306 - Handcuffing and Restraints 98
307 - Control Devices and Techniques 103
308 - Domestic Violence 108
309 - Canines 126
310 - Juvenile Contacts Non-Custodial 134
311 - Temporary Custody of Juveniles 135
312 - Search and Seizure 148
313 - Adult Abuse 150
314 - Discriminatory Harassment 161
315 - Child Abuse 167
316 - Missing Persons 177
317 - Public Alerts 185
319 - Victim and Witness Assistance 190
320 - Hate Crimes 194

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

321 - Standards of Conduct 205
322 - Information Technology Use 215
323 - Report Preparation 220
324 - Media Relations 225
325 - Subpoenas and Court Appearances 228
326 - Reserve Officers 233
327 - Mutual Aid and Outside Agency Assistance 240
328 - Registered Offender Information 242
329 - Major Incident Notification 245
330 - Death Investigation 247
331 - Identity Theft 250
332 - Private Persons Arrests 251
335 - Hearing Impaired/Disabled Communications 253
336 - Mandatory Employer Notification 261
337 - Public Safety Video Surveillance System 263
338 - Child and Dependent Adult Safety 266
339 - Service Animals 270
340 - Off-Duty Law Enforcement Actions 273
342 - Department Use of Social Media 276
343 - Gun Violence Restraining Orders 279
344 - Native American Graves Protection and Repatriation 285
345 - Community Relations 287

Chapter 4 - Patrol Operations 291

400 - Patrol Function 292
401 - Bias-Based Policing 294
402 - Briefing Training 297
403 - Crime and Disaster Scene Integrity 298
405 - Hazardous Material Response 300
406 - Hostage and Barricade Incidents 302
408 - Animal Control 307
409 - Ride-Along Policy 312
410 - Mental Illness Commitments 315
411 - Cite and Release Policy 321
412 - Foreign Diplomatic and Consular Representatives 325
413 - Rapid Response and Deployment 329
415 - Immigration Violations 332
416 - Emergency Utility Service 339
417 - Field Training Officer Program 340
418 - Obtaining Air Support 343
419 - Contacts and Temporary Detentions 344
420 - Criminal Organizations 348
421 - Watch Commander 353
422 - Mobile Data Terminal Use 354
423 - Portable, Mobile Audio/Video Recorders 357
424 - Medical Marijuana 366
425 - Bicycle Patrol Unit 371

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

426 - County Park Enforcement (SOP) . . . 374
427 - Automated License Plate Readers (ALPRs) . . . 375
428 - Homeless Persons . . . 378
429 - Public Recording of Law Enforcement Activity . . . 382
430 - Crisis Intervention Incidents . . . 385
431 - First Amendment Assemblies . . . 390
432 - Civil Disputes . . . 396
433 - Suspicious Activity Reporting . . . 399
434 - Medical Aid and Response . . . 401
435 - Aircraft Accidents . . . 405

Chapter 5 - Traffic Operations . . . 409

500 - Traffic Function and Responsibility . . . 410
501 - Traffic Collision Reporting . . . 413
502 - Vehicle Towing and Release . . . 419
503 - Vehicle Impound Hearings . . . 423
504 - Impaired Driving . . . 425
505 - Traffic Citations . . . 431
506 - Disabled Vehicles . . . 433
507 - 72-Hour Parking Violations . . . 434

Chapter 6 - Investigation Operations . . . 437

600 - Investigation and Prosecution . . . 438
601 - Sexual Assault Investigations . . . 443
602 - Eyewitness Identification . . . 449
603 - Asset Forfeiture . . . 453
604 - Extradition (SOP) . . . 462
605 - Warrant Service . . . 463
606 - Operations Planning and Deconfliction . . . 467

Chapter 7 - Equipment . . . 473

700 - Department Owned and Personal Property . . . 474
701 - Personal Communication Devices . . . 476
702 - Vehicle Maintenance . . . 481
703 - Vehicle Use . . . 483
704 - Cash Handling, Security and Management . . . 490

Chapter 8 - Support Services . . . 492

800 - Dispatch . . . 493
801 - Records Section . . . 499
802 - Property and Evidence . . . 503
803 - Restoration of Firearm Serial Numbers . . . 513
804 - Records Maintenance and Release . . . 515
805 - Protected Information . . . 525
806 - Computers and Digital Evidence . . . 530
807 - Recording of telephone and Radio Communications (SOP) . . . 534
808 - Forms Control (SOP) . . . 535

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

809 - Jeanne Clery Campus Security Act 536

Chapter 9 - Custody 542
900 - Temporary Custody of Adults 543
901 - Custodial Searches 555

Chapter 10 - Personnel 561
1000 - Recruitment and Selection 562
1001 - Personnel Records 567
1002 - Personnel Complaints 578
1003 - Brady Material Disclosure 595
1004 - Police Facility, Use of (SOP) 597
1005 - Emergency Access - Joint Police Facility (SOP) 601
1006 - Reporting of Employee Convictions 602
1007 - Drug- and Alcohol-Free Workplace 604
1008 - Sick Leave 607
1010 - Smoking and Tobacco Use 609
1011 - Administrative Review, On-Duty Vehicle Collisions (SOP) 610
1012 - Seat Belts 612
1013 - Body Armor 614
1014 - Intra-Departmental Assignment (SOP) 616
1015 - Shift Assignments/Rotation and Briefing (SOP) 639
1016 - Commendations and Awards 642
1017 - Fitness for Duty 646
1018 - Meal Periods and Breaks 649
1019 - Lactation Break Policy 650
1020 - Payroll Records 652
1021 - Compensatory, Holiday and Vacation Time (SOP) 653
1022 - Overtime Compensation Requests 656
1023 - Outside Employment 657
1024 - Occupational Disease and Work-Related Injury Reporting 662
1025 - Personal Appearance Standards 664
1026 - Uniform Regulations 668
1027 - Police Explorers 697
1028 - Nepotism and Conflicting Relationships 699
1029 - Department Badges 702
1030 - Radio Call Identifiers (SOP) 705
1031 - Temporary Modified-Duty Assignments 707
1032 - Employee Speech, Expression and Social Networking 711

Attachments 715
Hate Crime Checklist.pdf 716
Statutes and Legal Requirements.pdf 717
Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf 718

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chapter 1 - Law Enforcement Role and Authority

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the San Bruno Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the San Bruno Police Department to limit its members to only exercise the authority granted to them by law.

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

100.3 PEACE OFFICER POWERS

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

100.3.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE SAN BRUNO POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the San Bruno Police Department includes (Penal Code § 830.1; Penal Code § 836):

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

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

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

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

(e) In compliance with an arrest warrant.

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

On-duty officers who discover criminal activity outside the jurisdiction of the City should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

100.3.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE SAN BRUNO POLICE DEPARTMENT

The arrest authority within the jurisdiction of the San Bruno Police Department includes (Penal Code § 830.1; Penal Code § 836):

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

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

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

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

(e) In compliance with an arrest warrant.

100.3.3 TIME OF MISDEMEANOR ARRESTS

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

(a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:

1. A misdemeanor committed in the presence of the officer.
2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

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

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

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

100.3.4 OREGON AUTHORITY

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

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

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

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

100.4 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Oath of Office

101.1 PURPOSE AND SCOPE

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

101.2 POLICY

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

101.3 OATH OF OFFICE

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

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

101.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Government Code § 3105).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chief Executive Officer

102.1 PURPOSE AND SCOPE

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

102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.2.2 COMMAND STAFF

Command Staff shall consist of the following:

- Chief of Police
- Two Captains
- Two Lieutenants

The Command Staff shall review all recommendations regarding proposed changes to the manual at Command Staff meetings.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

103.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing through the chain of command, to their Division Captain, who will consider the recommendation and forward to the Chief of Police.

103.3 AUTHORITY

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

103.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Special Orders may be abbreviated as "SO"
- Policy Manual sections may be abbreviated as "Section 106" or "§ 106"

103.3.2 DISTRIBUTION OF MANUAL

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

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CCR - California Code of Regulations (Example: 15 CCR 1151).

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of San Bruno Police Department.

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

Department/SBPD - The San Bruno Police Department.

DMV - The Department of Motor Vehicles.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The San Bruno Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the San Bruno Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers.

Officer - Those employees, regardless of rank, who are sworn peace officers of the San Bruno Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

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

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

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

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

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

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

USC - United States Code.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

103.4.1 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Policy Manual revisions. Notification of changes to the Policy Manual will be sent via a department email byDepartment Administration Each supervisor shall confirm receipt by their personnel, review the revisions and seek clarification as needed.

Each supervisor will ensure that employees under his/her command are aware of any Policy Manual revisions.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

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

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

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

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Captain, who will consider the recommendations and forward them to the command staff as appropriate.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chapter 2 - Organization and Administration

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the San Bruno Police Department. There are two divisions in the Police Department as follows:

- Field Services Division
- Administrative Division

200.2.1 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is commanded by the Division Captain whose primary responsibility is to provide general management direction and control for the Administrative Services Division. The Administrative Services Division consists of Investigations and Support Services.

Administration Division is also comprised of both Records and Dispatch (Communications). Each report directly to the Records and Communications Supervisor who provides general management direction for each. The Records and Communications Supervisor reports directly to the Division Captain.

200.2.2 FIELD SERVICES DIVISION

The Field Services Division is commanded by the Division Captain , whose primary responsibility is to provide general management direction and control for the Field Services Division. The Field Services Division consists of Uniformed Patrol and Special Operations, which includes Traffic, Dispatch, K9 and Police Community Service Officers.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Division Captain to serve as the acting Chief of Police.

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

(a) Field Services Division Captain

(b) Administrative Services Division Captain

(c) Field Services Lieutenant (s)

(d) Shift Supervisor

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Staffing Levels

201.1 PURPOSE AND SCOPE

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

201.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least one regular supervisor on duty whenever possible. The Field Services Lieutenant will ensure that at least one field supervisor is deployed during each watch.

201.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a Corporal may be used as a field supervisor in place of a Field Sergeant.

With prior authorization from the Field Services Lieutenant, any officer may act as the Field Supervisor for a limited period of time .

201.2.2 PATROL MINIMUM STAFFING (SOP)

The minimum staffing for patrol 1 sergeant and 4 officer from 0700 to 2100. 1 sergeant and 6 officers from 2100 to 0200. 1 sergeant and 3 officers from 0200 to 0700.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

License to Carry a Firearm

202.1 PURPOSE AND SCOPE

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

202.1.1 APPLICATION OF POLICY

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

202.1.2 SAN MATEO COUNTY POLICE CHIEF'S AND SHERIFF PROTOCOL

The San Bruno Police Department will process all applicants for a Concealed Weapons License through the San Mateo County Sheriff's Office. In the event that this policy should change, the following approval process will be used.

202.2 POLICY

The San Bruno Police Department will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

202.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

(a) Be a resident of the City of San Bruno (Penal Code § 26150; Penal Code § 26155).

(b) Be at least 21 years of age (Penal Code § 29610).

(c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.

(d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.

(e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).

(f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).

(g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.

(h) Provide proof of ownership or registration of any firearm to be licensed.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).

(j) Complete required training (Penal Code § 26165).

202.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

202.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

(a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.

2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:

(a) Require the applicant to complete the package before any further processing.

(b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.

(c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the City of San Bruno Police Department for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).

1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.

2. Full payment of the remainder of the application fee will be required upon issuance of a license.

3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

(d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.

(e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Once the Chief of Police or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

202.4.2 PHASE TWO

This phase is to be completed only by those applicants successfully completing phase one.

(a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

1. The determination of good cause should consider the totality of circumstances in each individual case.
2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).

(b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).

(d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

(e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/ examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

202.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

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

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

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

202.6 ISSUED FIREARMS PERMITS

In the event a license to carry a firearm is issued by the Chief of Police, the following shall apply:

(a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

(b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.

1. Each license shall be numbered and clearly identify the licensee.
2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.

(c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).

1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

(d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

(e) The licensee shall notify this department in writing within 10 days of any change of place of residency.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

202.6.1 LICENSE RESTRICTIONS

(a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:

1. Consuming any alcoholic beverage while armed.
2. Falsely representing him/herself as a peace officer.
3. Unjustified or unreasonable displaying of a firearm.
4. Committing any crime.
5. Being under the influence of any medication or drug while armed.
6. Interfering with any law enforcement officer's duties.
7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
8. Loading the permitted firearm with illegal ammunition.

(b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.

(c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

202.6.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to (Penal Code § 26215):

(a) Add or delete authority to carry a firearm listed on the license.

(b) Change restrictions or conditions previously placed on the license.

(c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

202.6.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Chief of Police for any of the following reasons:

(a) The licensee has violated any of the restrictions or conditions placed upon the license.

(b) The licensee becomes psychologically unsuitable to carry a firearm.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.

(d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.

(e) If the license is one to carry “loaded and exposed,” the license shall be revoked immediately upon a change of the licensee’s place of residence to another county (Penal Code § 26210).

The issuance of a license by the Chief of Police shall not entitle the holder to either a property or liberty interest as the issuance, amendment or revocation of such license remains exclusively within the discretion of the Chief of Police as set forth herein.

If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

202.6.4 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Chief of Police for a renewal by:

(a) Verifying all information submitted in the original application under penalty of perjury.

(b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).

(c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer’s specifications or that is unsafe (Penal Code § 31910).

(d) Paying a non-refundable renewal application fee.

Once the Chief of Police or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant’s criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

202.7 DEPARTMENT REPORTING AND RECORDS

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

(a) The denial of a license

(b) The denial of an amendment to a license

(c) The issuance of a license

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(d) The amendment of a license

(e) The revocation of a license

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

202.8 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner or judge contained in an application shall not be considered public record (Government Code § 6254(u)(2)).

Any information in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Training Policy

203.1 PURPOSE AND SCOPE

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

203.2 PHILOSOPHY

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

203.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public

(b) Increase the technical expertise and overall effectiveness of our personnel

(c) Provide for continued professional development of department personnel

203.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Manager (Administrative Sergeant). It is the responsibility of the Training Manager to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

Post Mandated Training/Perishable skills training

Legislative Mandated Update

Review and monitor training budget constraints

Submittal of training reimbursements

203.5 TRAINING NEEDS ASSESSMENT

The training manager will conduct an annual training-needs assessment of the Department. The needs assessment will be reviewed by staff. Upon approval by the staff, the needs assessment will form the basis for the training plan for the fiscal year.

203.6 TRAINING PROCEDURES

(a) 1. All employees assigned to attend training shall attend as scheduled unless previously excused by the training manager. Excused absences from mandatory

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

training should be limited to the following and noted by the training manager in the employees addendum/training file:

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

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Manager to attend the required training on an alternate date.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Administrative Communications

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

204.2 PERSONNEL ORDERS
Personnel Orders may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, or other changes in status.

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

204.4 SURVEYS
All surveys made in the name of the Department shall be authorized by the Chief of Police .

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Electronic Mail

205.1 PURPOSE AND SCOPE

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

205.2 EMAIL RIGHT OF PRIVACY

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

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

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

205.3 PROHIBITED USE OF EMAIL

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Special Order

206.1 PURPOSE AND SCOPE

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

206.1.1 SPECIAL ORDER PROTOCOL

Special Orders will be incorporated into the manual by a Division Captain as required upon approval of the Chief of Police. Special Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

Any Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 08-01 signifies the first Special Order for the year 2008.

206.2 RESPONSIBILITIES

206.2.1 STAFF

A Division Captain shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Special Order.

206.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Special Orders.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Disaster Plan

207.1 PURPOSE AND SCOPE

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

207.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated on the order of the official designated by local ordinance.

207.2.1 RECALL OF PERSONNEL (SOP)

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

Failure to promptly respond to an order to report for duty may result in discipline. In case of a major disaster, all Department employees shall immediately communicate with the Department to ascertain whether or not their services are needed.

207.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in Administrative Services Division Captain and the Watch Commander's offices. All supervisors should familiarize themselves with the Emergency Management Plan. The Administrative Services supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

207.4 UPDATING OF MANUALS

The Chief of Police or his designee shall review the Emergency Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Retiree Concealed Firearms

208.1 PURPOSE AND SCOPE

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

208.2 POLICY

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

208.3 LEOSA

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

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

208.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

208.3.2 AUTHORIZATION

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

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

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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

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

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

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

208.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

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

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

208.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

(a) A photograph of the retiree.

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

(c) The date of retirement.

(d) The name and address of this department.

(e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped “No CCW Privilege.”

208.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The San Bruno Police Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

(b) This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.

(c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

208.4.3 QUALIFIED RETIRED RESERVES

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

208.5 FORMER OFFICER RESPONSIBILITIES

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

208.5.1 RESPONSIBILITIES UNDER LEOSA

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

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

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

208.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

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

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

(c) Not engage in conduct that compromises public safety.

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

208.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended, or

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

208.7 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

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

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

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

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

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

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
3. The personal and written notification should be as follows:
   (a) The retiree's CCW endorsement is immediately and temporarily suspended.
   (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
   (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

208.8 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chapter 3 - General Operations

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

300.2.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force.

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

300.2.2 FAIR AND UNBIASED USE OF FORCE

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

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall promptly report these observations to a supervisor as soon as feasible (Government Code § 7286(b)).

300.3 USE OF FORCE

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

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

(a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).

(e) The effects of suspected drugs or alcohol.

(f) The individual's apparent mental state or capacity (Penal Code § 835a).

(g) The individual’s apparent ability to understand and comply with officer commands (Penal Code § 835a).

(h) Proximity of weapons or dangerous improvised devices.

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

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

(k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.

(l) Training and experience of the officer.

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

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

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

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

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

300.3.4 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. 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 shall be considered a Deadly Force Application and is subject to the following, in addition to the Deadly Force Application requirements listed in this policy manual:

(a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.

(b) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.

(c) 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 such examination occurs.

(d) 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 individual lost consciousness as a result.

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(f) 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 San Bruno Police Department for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, [officers_deputies] should consider actions that may increase officer safety and may decrease the need for using force:

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

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

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

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)(1)). Such alternatives may include but are not limited to:

(a) Attempts to de-escalate a situation.

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

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a(5)(c)(1)(B)).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

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

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

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

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2 DISPLAYING OF FIREARMS

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

(a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.

(b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such imminent threat until the officer no longer perceives such threat.

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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. See the Report Preparation Policy for additional circumstances that may require documentation.

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.

(i) An individual alleges unreasonable force was used or that 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 Section Policy.

300.6 MEDICAL CONSIDERATION

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

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

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

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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

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

(f) Review and approve all related reports.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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

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

USE OF FORCE REPORTING FORM: This report shall be utilized in the event that the use of force used was greater than touch. The supervisor/sergeant shall complete a Use of Force Reporting Form and submit it through the chain of command. (SOP)

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

300.8 TRAINING

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

Subject to available resources, the Training Manager should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

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

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

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

300.9 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

300.10 POLICY AVAILABILITY

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

300.11 POLICY REVIEW

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

300.12 USE OF FORCE COMPLAINTS

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Vehicle Pursuits

301.1 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.

301.1.1 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.

301.2 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.

301.2.1 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

(a) In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within close proximity to the violator's vehicle before attempting the stop and activating the emergency equipment.

1. Close proximity will be normally viewed as a standard city block.

(b) The officer has reasonable cause to believe that the individual the officer is attempting to arrest is in the vehicle and has, is about to, or threatening to, commit a felony or serious misdemeanor (Misd. involving weapons or violence) .

(c) The officer has reasonable cause to believe that the driving ability of the individual the officer is attempting to arrest is so impared as to cause the actual or potential death of or serious injury to another person.

1. The officer should be aware that attempting to stop a seriously impaired driver may unintentionally increase the risk to the public by provoking the impaired driver to proceed much more dangerously than before. In such cases, pursuits should not be initiated or continued.

(d) 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.

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

(f) 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.

(g) 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.

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

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

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

(k) Vehicle speeds.

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

301.2.2 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) If when attempting to stop a vehicle for an infraction or non-violent misdemeanor it becomes obvious that the driver is evading/failing to yield.

(h) Pursuit is terminated by a supervisor.

301.2.3 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

301.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles; an initial (primary) vehicle and a back-up (secondary) vehicle. The on-duty Watch Commander can authorize additional units to join a pursuit if, after assessing the factors outlined above, it appears the number of officers involved would be insufficient to safely arrest the suspects (e.g. multiple suspects in the suspect vehicle). 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 (Motor Officer or unmarked unit who initiated pursuit) may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

301.3.1 MOTORCYCLE OFFICERS & UNMARKED VEHICLES

Unless authorized by the on duty Watch Commander, a distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle and/or an unmarked Police Vehicle as primary and/or secondary pursuit unit as soon as practical.

301.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency equipment.

301.3.3 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 Dispatch 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The initiating officer shall provide updates on the above conditions as soon as practicalduring the pursuit.

Unless relieved by a 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.

301.3.4 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.

301.3.5 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 or divided highway or roadway. In the event that the pursued vehicle does so, the following tactics shall 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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.

301.3.6 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 by the supervisor.

301.3.7 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.

301.3.8 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.

301.4 SUPERVISORY CONTROL AND WATCH COMMANDER 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.

Upon becoming aware that a pursuit has been initiated, the on duty watch commander of the officer initiating the pursuit,should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The watch commnder

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

has the final responsiblity for the coordination, control and termination of a vehciel pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward along with pursuit review to the Division Lieutenant 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) Respond to pursuit termination point, 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 SBPD units when a pursuit enters another jurisdiction.

(j) PreparingCHP 187A form and internal post-pursuit critique and analysis of the pursuit (SOP).

301.4.1 COLLISIONS DURING PURSUITS

(a) If the pursuing officer becomes involved in a collision, the collision should be investigated by the law enforcement agency having jurisdiction of the area in which the collision occurred or by the California Highway Patrol.

(b) If the collision results in an injury, and occurs inside the city limits of San Bruno, the California Highway Patrol will be requested to respond, investigate and document the collision.

(c) If the accident does not result in an injury, and occurs inside the city limits of San Bruno, an uninvolved officer will respond, investigate and document the collision.

    (a) For unusual circumstances, the on-duty Watch Commander may request the California Highway Patrol to investigate and document the collision.

(d) If an officer is involved in a collision, the on-duty Watch Commander shall be notified as soon as reasonably possible.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

301.5 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or 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.

301.5.1 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will:

(a) Acknowledge pursuit, identify a secondary backup unit (by call sign) and initiate a "code 33" on the primary channel.

1. Any other unit actively involved in the pursuit other than those identified by Communications will terminate their involvement unless directed differently by the on-duty watch commander.
2. Communications will restrict Code 3 pursuit authorization to only two units, unless directed differently by the on-duty watch commander.

(b) Communications personnel shall coordiante the pursuit and provide (via broadcast)field officers with up-to-date information as it is received, including the identiy of each officer invloved in the pursuit, the direction of travel, the approximate speed of the pursuit, vehicle and pedestrian traffic conditions, a description of the suspect vehicle, driver and reason for the pursuit.

1. If this information is not immediately recieved from the initiating officer, the Dispatcher will askthe officer to provide the required information.

(c) Ensure that the watch commander is notified of the pursuit as soon as possible.

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

(e) Communications shall notify County Radio Communications and adjoining agencies of our pursuit status in the event the pursuit leaves our jurisdiction.

1. Units involved in the pursuit within the City limits shall remain on the primary channel unitl told otherwise by communications or by the on-duty watch commander.
2. When a pursuit leaves the City limits, communications will turn control of the pursuit over to County Communications by switching to the County-Wide Mutal Aid Channel (CWMA).

301.5.2 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

301.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or Watch Commander, 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 Watch Commander 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.

A. Prior to relinguishing a pursuit to an allied agency, the onduty watch commander shall contact the allied agency and determine the willingness and availability of that agency to assume the pursuit.

B. When an allied agency has agreed to, and is in position to assume the pursuit, the follwoing procedure should take place.

   1. When the first allied agency unit has entered the pursuit, the secondary San Bruno unit shall release this position to the allied agency unit.

   2. The San Bruno secondary unit shall notify communications that they have dropped out of the pursuit and that the allied agency unit will be calling the pursuit. This unit shall then return to the City, unless specfically requested to remain in the pursuit and with the approval of the on-duty Watch Commander.

   3. When a second allied agency unit joins ion the pursuit the primary San Bruno unit shall release this position to the allied agency unit.

301.6.1 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 San Bruno 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.

301.6.2 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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) Reason for the pursuit

(b) Ability to maintain the pursuit

(c) Circumstances serious enough to continue the pursuit

(d) Adequate staffing to continue the pursuit

(e) The public's safety within this jurisdiction

(f) Safety of the pursuing officers

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 City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers 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.

301.7 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.

301.7.1 WHEN USE IS AUTHORIZED

Because of the inherent danges involved. generally there should be no attempt to stop a moving vehicle by any of the following:

(a) Boxing in

(b) Ramming

(c) Forcing off road

(d) Driving in front of (slow downs)

(e) Driving parallel to suspect with police vehicle

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Use of pursuit intervention tactics should be employed only after approval of a Watch Commander. 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.

301.7.2 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.

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.

301.7.3 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.

301.7.4 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,

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

301.7.5 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.

301.8 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 completed prior to the end of the involved shift and a copy is left for the Field Service Lieutenant and Records Supervisor. The Records Supervisor is responsible for filing the form CHP 187A 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.

(c) After first obtaining the available information, within one shift period the Watch Commander shall complete a Pursuit Review, briefly summarizing the pursuit, and submit it to the Field Services Lieutenant. This report should minimally contain the following information (as the crime report shall stand as the main information source of the pursuit):

1. Date and time of pursuit
2. Length of pursuit
3. Involved units and officers
4. Initial reason for pursuit
5. Starting and termination points
6. Disposition (arrest, citation), including arrestee information if applicable
7. Injuries and/or property damage
8. Medical treatment
9. Name of supervisor at scene

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

301.8.1 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 once every two years 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)).

301.8.2 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.

301.9 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Officer Response to Calls

302.1 PURPOSE AND SCOPE

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

302.2 RESPONSE TO CALLS

Code Designations

(a) Code 1: These assignments are to be completed at the officer's earliest convenience. No red light or siren shall be used when responding Code 1.

(b) Code 2: These assignments are urgent and require a timely response. Officers driving Code 2 shall adhere to all traffic laws.

(c) Code 3: These are emergency assignments that fall within the parameters of California Vehicle Code Section 21055(a), and require a prompt response.

1. The use of emergency equipment as defined in California Vehicle code Section 21055(b) is required when driving Code 3.

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.

302.3 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 Dispatch.

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

- State: "Code 3"
- The officers unit number

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

302.3.1 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).

302.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Dispatch. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Dispatch shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate. All Officers responding Code-3 will give their initial location to the dispatcher. This allows the other officers to avoid their path of travel. (SOP)

302.5 RESPONSIBILITIES OF RESPONDING OFFICERS

In order to assist in our public image, the amber light on patrol vehicles shall be turned on when proceeding to a call that requires immediate response, but has not been authorized as an emergency response. Examples of such situations include:

(a) Responding as a cover officer to a potentially hazardous call.

(b) Pacing potential speeding violators.

(c) When a police vehicle is, by necessity, illegally parked or blocking a lane of traffic.

(d) Use of amber lights does not relieve an officer of the duty to drive with due care and safety.

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. While driving Code 3, Officers must continually assess the environment, the unfolding call/situation necessitating the response itself, vs. the need to maintain a Code 3 response.

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 Dispatch. An officer shall also discontinue the Code-3 response when directed by a supervisor.

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

302.6 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 (ex: 11-80). In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander or a field supervisor prior to assigning units Code-3 . Emergency calls shall be dispatched in the following mannerl:

(a) A general broadcast shall be made on all situations requiring a Code 3 response.

(b) The incident shall be assigned, for report taking purposes, to the unit having beat responsibility for the area of occurrence.

(c) A Request shall be made for an additional unit(s) to assist.

1. Any unit responding to assist will immediately identify themselves to communications and advise of their immeidate location
2. The unit neareest the incident will then be desginated, by communications, to respond Code 3 if such a response is required. Other unit(s) that may be responding will do so at Code 2. Only one unit shall respond code 3 unless approved by the on-duty Watch Commander.
3. If the unit not assigned to handle the incident is first to arrive at the scene, that unit will assume coordinating responsibility until releived by the unit initially assigned to handle the call or by the supervisor.

(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

302.7 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

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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

302.8 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 Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Officer-Involved Shootings and Deaths

303.1 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.

303.2 POLICY

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

303.3 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.

303.4 CONTROL OF INVESTIGATIONS

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.

303.4.1 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 San Bruno Police Department would control the investigation if the suspect's crime occurred in the City of San Bruno.

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.

303.4.2 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

303.4.3 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.

303.5 INVESTIGATION PROCESS

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

303.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting, the first uninvolved SBPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

303.5.2 WATCH COMMANDER RESPONSIBILITIES
Upon learning of an officer-involved shooting or death, the on-duty sergeant/watch commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by a command staff officer. The San Mateo County Officer Involved protocol checklist shall be utilized as a guideline throughout the investigation. See below for link to protocol

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

172.31.27.23/SMCPCSA/

303.5.3 NOTIFICATIONS
The following person(s) shall be notified as soon as practicable:

- Chief of Police
- Command staff
- Investigation Division Captain

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

- Those listed in the San Mateo County Protocol
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- District Attorney's Office
- Involved officer's agency representative
- Press Information Officer

303.5.4 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved SBPD 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 SBPD 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 Dispatch. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional SBPD 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) and sequestered at a suitable location for further direction and paired up with an officer of equal or lesser rank. .

1. Each involved SBPD officer should be given an administrative order not to discuss the incident with other involved officers or SBPD 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

303.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.

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

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

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

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).

(d) A licensed psychotherapist shall be provided by the Department to each involved SBPD officer. A licensed psychotherapist may also be provided to any other affected SBPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.

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

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

(e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it. Full photographs of the involved Officer, in uniform, with all equipment (close ups and entire body, front sides and back) are to be made as soon as possible after incident, documenting the time this was completed.

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

303.6 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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) SBPD supervisors and Internal Affairs personnel should not participate directly in any voluntary interview of SBPD 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.

303.6.1 REPORTS BY INVOLVED SBPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved SBPD 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 SBPD 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 SBPD 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.

303.6.2 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

303.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigative Services Section 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 Investigative Services Section 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.

303.7 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 involved SBPD officers to determine conformance with Department policy. The investigation will be conducted under the supervision of Internal Affairs Administrative Lieutenant and will be considered a confidential officer personnel file.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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 investigator 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 Chief of Police through

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

the chain of command, which will restrict 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.

303.8 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, or other video or audio recordings prior to providing a recorded statement or completing reports.

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

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

303.9 CIVIL LIABILITY RESPONSE

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

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

303.10 DEBRIEFING

Following an officer-involved shooting or death, the San Bruno Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

303.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Division Captain 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-

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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 personnel.

303.10.2 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.

303.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Investigation Division Captain and Press Information Officer in the event of inquiries from the media.

The Department shall not subject any involved SBPD officer to visits by the media (Government Code § 3303(e)). No involved SBPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Captain. 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.

303.12 REPORTING

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Firearms

304.1 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.

304.2 POLICY

The San Bruno 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.

304.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster or his/her designee. Members shall not use any firearm that has been modified until the modification has been inspected and approved by the Rangemaster or his/her designee. 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 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 Division Captain. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

304.3.1 HANDGUNS

The department-issued handguns are listed below:

MAKE	MODEL	CALIBER
Glock	21	.45 ACP
Glock	30	.45 ACP
Glock	30S	.45 ACP
Sig Sauer	P239	.40 S&W

304.3.2 SHOTGUNS

The authorized department-issued shotguns are the Remington 870 12 gauge and Mossberg 500A 12 gauge (SWAT/breach use ONLY).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

When not deployed, the shotgun(s) shall be stored in compliance with Department policy with only the sidesaddle magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

304.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-15/A-3 .223 cal.. The following additional patrol rifles are approved for on-duty use by NCR (SWAT) members:

MAKE	MODEL	CALIBER
Colt	M4/M16A26	5.56 mm
Armalite	AR-10(T)	7.62 mm

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 in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with chamber flag inserted, the trigger pulled to release the hammer and the selector lever in the fire position (selector lever cannot be in the safe position with the hammer released).

304.3.4 40MM LAUNCHER

The authorized Department issued launcher is a PennArms L140-4 single shot launcher or a PennArms P540-1 multi-shot launcher. These launchers are equipped with a bright orange sling as they are used as kinetic energy weapons.When not deployed, the launcher shall be properly secured in a locked weapons rack in the patrol vehicle or in compliance with Department policy regarding storage of firearms in vehicles.In either case, the launcher will be stored with the sidesaddle and provided bandolier loaded with Department approved munitions only, the action closed on an empty chamber, and with the safety fully engaged.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

304.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must first request and 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 of a quality make and in good working order. Examples of quality makes include Glock, Heckler and Koch, Sig Sauer and Smith and Wesson however Members are not limited to these makes only.

(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) Personally owned firearms for Uniformed duty use must be semi-automatic pistols of either 9mm Parabellum or.45 ACP caliber with a minimum magazine capacity of 8 rounds.

(d) Members carrying personally owned firearms for Patrol or SWAT duty must have a minimum of 40 rounds total on their person loaded into the firearm and magazines.

(e) 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.

(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.

304.3.6 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry personally owned secondary handguns while on duty, must first request and receive written approval from the Chief of Police. Once approved, the carrying of 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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.

304.3.7 AUTHORIZED OFF-DUTY FIREARMS

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

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

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

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

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

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

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

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

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

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

(i) When armed, officers shall carry their badges and San Bruno Police Department identification cards under circumstances requiring possession of such identification.

304.3.8 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

the above, at their own expense. For purposes of range qualification the Department will issue ammunition sufficient to complete qualification.

304.4 EQUIPMENT

All 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. Cleaning of Department issued firearms is the responsibility of the Officer to whom it was issued.

304.4.1 REPAIRS OR MODIFICATIONS

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

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

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

304.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. Each member is responsible for the prompt reporting of damage or needed replacement to their Supervisor or Range Master. Members with personally owned duty firearms are responsible for providing for their own department-approved holster unless the department issue holster also fits their specific firearm. Personally owned holsters for Patrol duty or SWAT duty use must have a retention level which is equivalent or greater than that of the department issue Patrol holster (Level 3).

304.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. Proper maintenance and reporting of damage to the tactical light issued by the Dpeartment shall be the responsibility of the officer to which it was issued.

304.4.4 RED DOT SIGHTS / HOLOGRAPHIC SIGHTS (RDS)

Red Dot sights and Holographic sights (RDS) may only be installed on a firearm carried on-duty or off-duty by Members after they have been examined and approved by the Rangemaster or their designee and are subject to the following restrictions:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) The firearm with a mounted RDS must also have a set of backup sights in the event of a RDS failure. The backup sights must be immediately usable without requiring the removal of the RDS.

(b) Any approved RDS and/or backup sights shall be installed in strict accordance with the manufacturer's specifications.

(c) 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.

304.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

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

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except under Rangemaster supervision.

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

(d) 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 prior to entering. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(e) 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.

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

304.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

At no time shall firearms be left unattended. Firearms may be safely stored in lockers or another approved location (must be locked with a padlock or keyed cabinet) at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

304.5.2 STORAGE AT HOME

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

304.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

304.5.4 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

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

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

304.6 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

304.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor 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:

(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.

304.7 FIREARM DISCHARGE

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

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

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

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

304.7.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER® device, oleoresin capsicum (OC) spray, animal

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

304.7.2 INJURED ANIMALS

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

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

304.7.3 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.

304.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms (or those personally owned and used as secondary 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 and provide to the Training Manager for maintenance in training records.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

304.9 FLYING WHILE ARMED

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

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

(b) Officers must carry their San Bruno 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 San Bruno Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the San Bruno 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

304.10 CARRYING FIREARMS OUT OF STATE

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

(a) The officer shall carry his/her San Bruno 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Conducted Energy Device

305.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

305.2 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.

305.3 ISSUANCE AND CARRYING CED'S CONDUCTIVE ENERGY DEVICE

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.

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.

(e) The TASER device shall only be carried by officers while on duty.

(f) The TASER device shall not be carried concealed while of-duty and shall be stored at the department between shifts/ duty assignments

305.4 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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.

305.5 USE OF THE CONDUCTED ENERGY 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. Therefore the officer should be prepared with other options.

305.5.1 APPLICATION OF THE CED

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.

305.5.2 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(d) Individuals who are handcuffed or otherwise restrained.

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

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

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

305.5.3 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.

305.5.4 MULTIPLE APPLICATIONS OF THE EMDTDEVICE

Officers should apply the TASER device for only one standard cycle and then, if possible, 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. Each application of the TASER requires independent justification.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, if possible, 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 generally should not intentionally apply more than one TASER device at a time against a single subject.

305.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. In each case, 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin. See also 504.7

305.5.6 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. Each TASER cycle requires independent justification.

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

Officers shall ensure that TASER devices are secured at the Department while off duty , in a manner that will keep the device inaccessible to others.

305.6 DOCUMENTATION
Officers shall document all TASER device discharges in the related arrest/crime report and the TASER device discharge 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 be documented in the police report.

305.6.1 TASER DISCHARGE REPORT
Items that shall be included in the TASER device discharge report 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 approximate range at which the TASER device was used.

(f) The type of mode used for each cycle deployed (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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The Training Manager and TASER SERGEANT should periodically analyze the TASER discharge 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.

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

(a) Identification of all personnel discharging 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

305.7 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 cleared at a medical facility prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable (prior to being transported to jail), 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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. THis information shall also be noted in the remarks section on the booking paperwork

305.8 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.

The on-duty supervisor shall review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory shall be downloaded through the data port by the responsible supervisorand scanned/saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

305.9 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 re-certified by a department-approved TASER device instructor prior to again carrying or using the device.

TASER user certification 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 theTraining 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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.

(h) Required documentation

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

The San Bruno 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.

306.3 USE OF RESTRAINTS

Only members who have successfully completed San Bruno 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.

306.3.1 RESTRAINT OF DETAINEES

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

306.3.2 RESTRAINT OF PREGNANT PERSONS

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

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code § 3407; Penal Code § 6030).

306.3.3 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.

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

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

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

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

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

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

306.5 APPLICATION OF SPIT HOODS

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

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

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

306.6 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.

306.7 APPLICATION OF THE W.R.A.P.

The WRAP may be used to restrain 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 WRAP, officers should consider:

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

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

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

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

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

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

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

306.8 REQUIRED DOCUMENTATION

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

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

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

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

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

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

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

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

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

306.9 TRAINING

Subject to available resources, the Training Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

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

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

(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Control Devices and Techniques

307.1 PURPOSE AND SCOPE

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

307.2 POLICY

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

307.3 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.

307.4 RESPONSIBILITIES

307.4.1 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.

307.4.2 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.

307.4.3 USER RESPONSIBILITIES

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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 City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

307.5 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.

307.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the members of the command staff, Incident Commander or S.W.A.T. 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.

307.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray 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.

307.7.1 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.

307.7.2 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. The individual(s) will then be transported to a hospital to be examined and receive a medical clearance.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

307.8 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.

307.9 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.

307.9.1 DEPLOYMENT AND USE

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

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

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

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

307.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to the 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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, neck, thorax, heart, upper torso (center mass area), and spine 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.

307.9.3 SAFETY PROCEDURES

Launchers specifically designated for use with kinetic energy projectiles are specially marked orange in color with an orange sling that makes them readily identifiable as such.

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

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

307.10 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 re-certified as necessary.

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

307.11 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 via the Use of Force Report pursuant to the Use of Force Policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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:

(a) **DOMESTIC VIOLENCE** means abuse committed against an adult or a fully emancipated minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship. Includes same-sex relationships. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of the relationship.

1. Factors that may determine whether persons are cohabiting include, but are not limited to:

(a) sexual relations between the parties while sharing the same living quarters

(b) sharing of income or expenses

(c) joint use of ownership of property

(d) whether the parties hold themselves as husband and wife, the continuity of the relationship, and the length of the relationship.

(b) **ABUSE** means intentionally or recklessly to cause or attempt to cause bodily injury or sexual assault or to place a person in reasonable apprehension of imminent serious bodily injury to the person or to another.

(c) **PRO ARREST POLICY** refers to a philosophical position in which physical arrest shall be made in every situation where an arrest is legally permissible absent exigent circumstances.

(d) **VICTIM** means a person who is a victim of domestic violence.

(e) **OFFICER** means any officer or employee of a local police department or sheriff’s office, and any peace officer of the Department of the California Highway Patrol, the Department of Parks and Recreation, the University of California Police Department; or the California State University and College Police Departments, as defined in P.C. §830.2, or a housing authority patrol officer, as defined in subdivision (d) of P.C. §830.31.(P.C. § 13700(c)).

(f) **DOMESTIC RELATED INCIDENT** is defined as domestic verbal disputes that do not result in contact or threats of physical contact and involve a spouse, former spouse,

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

cohabitant, former cohabitant, or a person with whom the party has had or is having a child together or has had or is having a dating relationship.

(g) **FAMILY VIOLENCE** when used in sections of this order and as defined in Penal Code Section12028.5, has the same meaning as domestic violence and also includes any abuse perpetrated against a family or household member.

(h) **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 San Bruno 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.

It shall be the policy of this Department to treat alleged domestic violence as alleged criminal conduct and to adopt a “Pro Arrest Policy.”Dispute resolution methods shall not be used as a substitute for an appropriate criminal proceeding. The San Bruno Police Department policy and procedures can be further illustrated in section 308.12 of this document.

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

To assist officers with domestic violence investigations the SBPD Domestic Violence Investigation Checklist shall be utilized and affixed to the written report. 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

(e) The Form "Request for Tape Duplication" (911 call, audio or video tape interview,etc) shall be completed if necessary for future use in the investigation

(f) 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 Investigative Services Section in the event that the injuries later become visible.

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

(h) 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.

(i) 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).

(j) 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.

(k) 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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 VICTIM NOTIFICATION OF SUSPECT RELEASE

A. In any case where the suspect is arrested and booked as a result of domestic violence (including protective order violations), the arresting officer shall advise the victim of his or her right to be notified if and when the arrested person is released from jail.If the victim wants notification, the officer shall:

1. Complete a “Violent Crime Notification Request” form.Be sure to include the most current address and phone number where the victim can be located.
2. Detach the agency copy from the form and include it with the written report.Ensure the appropriate copy is retained by the jail and/or Own Recognizance (O.R.) Program.
3. The Sheriff’s Office is responsible for notifying the law enforcement agency that arrested the suspect, upon the suspect’s release from custody.The Own Recognizance (O.R.) Program will be responsible for contacting the victim upon the suspect’s release.
4. When a request from an outside agency is received, notification shall be made either in person, by personal telephone contact, or in the event personal contact cannot be made, a note left at the residence or other such location as provided by the victim.
5. Upon completion of the notification, the original report shall be updated by the person completing the notification to reflect the actions taken.

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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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.

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

Verification of Restraining/Protective Order

Whenever a complainant advises an officer to the existence of a restraining/protective order, the officer shall ascertain:

(a) Whether a restraining/protective order is on file with the Department or whether the complainant has a certified copy of the order in their possession or whether the order can be verified through the Department of Justice Domestic Violence Restraining Order System (DVROS). The dispatcher has access to the DVROS via the CLETS terminal.

(b) Whether the restraining/protective order is still valid as to duration/time.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. If there is no expiration date on a civil protective order, the order is valid three years from the date of issuance, with the exception of permanent orders issued pursuant to a divorce, which never expire.
2. An Emergency Protective Order is valid for five court days after the day of issuance, but never longer than seven calendar days following the day of issuance.
3. The duration of Criminal Protective/Stay-Away Orders varies with each order.

(c) Whether proof of service or prior notice exists or that the suspect was in court when the order was made.

(d) The terms of the restraining/protective order.

Arrest Criteria and Enforcement Procedures

A violation of a restraining/protective order is a misdemeanor under Penal Code Sections 166 and 273.6 (a) and may be a felony under Penal Code Sections 273.6 (d), 646.9 or 136. Officers shall, absent exigent circumstances, make an arrest when there is reasonable cause to believe the subject of the restraining/protective order has violated the order and any of the following conditions are met (P.C. 13701):

(a) The existence of the order and proof of service on the suspect has been verified by the officer.

(b) The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the subject.

(c) The existence of the order has been verified by the officer. No proof of service is required if the order reflects that the suspect was personally present in court when the order was issued.

(d) For purposes of this section, exigent circumstances are defined as a set of facts which leave the officer unable to determine if the elements of a crime are present, or a set of unusual circumstances which lead the officer to believe that, in the best interest of justice, the case would be better off submitted to the District Attorney's Office for review. An example would be:

Officers respond to a verbal argument where a permanent restraining order is in effect. The order is two years old. Both the protected party and the restrained party advise that the couple has been living together for the past six months.No additional crime has occurred. In this scenario, the officer may separate the parties, complete a crime report for a P.C. 273.6 violation and submit the report to the District Attorney's Office for review.

When the officer verifies that a restraining/protective order exists, but cannot verify proof of service or prior knowledge of the order by the suspect, the officer should:

(a) Inform the subject of the terms of the order.

(b) Admonish the subject of the order, that the subject is now on notice and that the violation of the order will result in arrest. If the subject continues to violate the order after being advised of the terms, an arrest shall be made. Oral notification to the

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

respondent of the terms of the order shall be sufficient notice for enforcement of P.C. 136.2, 273.6, and 12021 (g).(Family Code 6383 (e)).

(c) If the subject complies after admonishment of the terms, the protected person shall provide the officer with a copy of the order and a blank proof of service. Officers shall carry blank proof of service forms at all times in the event the protected person does not have the form. Once the order is served, the officer shall complete the proof of service and forward a copy of the proof of service to the dispatcher. The dispatcher will make a copy of this form, update the information in the Department of Justice Domestic Violence Restraining Order System in regard to the service of the restrained person and then forward the original proof of service form to the court having jurisdiction (refer F.C. §6383 (a) & (b)).

(d) Upon request of the petitioner, an officer who is present at the scene of reported domestic violence incident shall comply with all of the above.

In the event that the subject has left the scene of the incident, an investigation shall be made to determine if a crime has been committed. Penal Code sections 13730 (c) and 13701 (h) require that a retrievable report shall be made and the complainant shall be advised of the follow-up criminal procedure and case number. Violations documented shall be submitted to the District Attorney's Office.

Order Not Verifiable

When the victim is not in possession of the restraining/protective order, and/or in case of computer error, officers may not be able to confirm an order's validity.

(a) Penal Code sections 13730 (c) and 13701 (h) require that a retrievable report shall be made and the complainant shall be advised of the follow-up criminal procedure and case number.

(b) When an order is not verifiable through the verification procedures, officers shall advise the victim of the right to make a private person's arrest for the violation of the restraining/protective order.

CRIMINAL PROTECTIVE/STAY-AWAY ORDERS VERIFICATION AND ENFORCEMENT

Verification of Stay-Away Orders:

A stay-away order is issued in a criminal case where the probability of victim intimidation exists, and violation of such is a misdemeanor under Penal Code Section 166.In domestic violence incidents where a person advises an officer that a Criminal Protective/Stay-Away Order has been issued, the officer shall attempt to ascertain the terms and validity of the order.

(a) Request the victim show a copy of the order. Verify through dispatch that the subject is under the court's jurisdiction, or

(b) Verify, through dispatch, that a Criminal Protective/Stay-Away Order has been issued against the subject, or

(c) Verify through the California Department of Justice Restraining Order System(Sheriff's records are the central repository for this county.)

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Arrest Criteria and Enforcement Procedures:

(a) When the order has been verified, officers shall effect an arrest if the subject has violated any terms of the order. The report should note the specific violations of the order, and the victim shall be given the police report number for reference pursuant to Penal Code Section 13701 (h).

(b) A violation of the order is a violation of Penal Code Section 166. This violation can be added to other charges, if present, such as assault or battery.

(c) An act of intimidation relating to the court proceedings is a violation of Penal Code 136 et seq. Examples of intimidation include:

1. Attempting to dissuade a victim from attending or giving testimony at any proceeding is a misdemeanor (P.C. 136.1 (a), (b)).

2. Attempting to prevent or dissuade a victim from attending or giving testimony by using force or by expressing or implying threat of force or violence related to the court proceeding is a felony. (P.C. 136.1 (c)).

Order Not Verifiable:

(a) When the victim is not in possession of the Criminal Protective/Stay-Away Order and/or in cases of computer error, the officer may not be able to verify the order's validity.

(b) Penal Code Section 13730 (c) requires that officers shall write a report, give the victim the report number and direct the victim to contact the appropriate issuing agency for follow-up information and/or corrective action.

(c) When an order is not verifiable through the verification procedures, officers shall advise the victim of the right to make a private person's arrest for the violation of the protective restraining order.

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).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

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

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

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

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

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

308.9.2 COURT ORDERS

RESTRAINING/PROTECTIVE ORDERS

A. There are different types of protective/restraining orders issued by courts in domestic violence situations.Penal Code Section 13710 requires law enforcement agencies to maintain a complete

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

and systematic record of protective orders with respect to domestic violence incidents, restraining/protective orders, and proof of service in effect.This section also requires that the systematic record shall be used to inform officers responding to domestic violence calls of the existence, terms, and effective dates of protective orders in effect.The following are three types of restraining/protective orders:

1. Emergency Protective Orders are obtained by a peace officer from a superior court judge by phone.
2. Restraining orders are obtained by the victim from various departments within the civil court.
3. Criminal Protective/Stay Away Orders are issued by the criminal court.

B. All three of these protective orders are enforceable in any county, regardless of where issued (Family Code 6381).The Federal Violence Against Women Act requires states to enforce restraining orders issued in other states.(H.R.3355, 103d Cong., 2d sess. 1994).These orders remain valid regardless of the actions of the protected person.For example:if the protected person allows the restrained party back into a residence, the order still remains valid.(P.C. 13771(c)).This shall not influence enforcement action taken by officers that are detailed in this order.

EMERGENCY PROTECTIVE ORDERS

Family Code Section 6241 requires at least one judge, commissioner, or referee, be reasonably available at all times, whether or not court is in session, to orally issue, by phone or otherwise, an ex parte Emergency Protective Order when a law enforcement officer asserts reasonable grounds to believe that a person is in immediate and present danger of domestic violence or when a child is in immediate and present danger of abuse from a family member, as defined by the Family Code.Such an order may also exclude the suspect from the premises and determine temporary custody of minor children.

A. Ascertain Need for Emergency Protective Order

1. When an officer has reasonable grounds to believe a person is in immediate and present danger of domestic violence or a child is in immediate and present danger of abuse by a family or household member, the officer shall inform the complainant as to the availability of an Emergency Protective Order.Regardless of the victim’s preference, the officer may request an ex parte Emergency Protective Order from the on-call judge.
2. Officers should make this determination based on the complainant’s allegations of a recent incident of abuse or threat of abuse.
3. The officer may request an Emergency Protective Order whether or not the suspect is present or has been arrested.
4. The following are examples of situations in which requesting an Emergency Protective Order may be appropriate:

    a. The suspect is being arrested on a charge related to a domestic violence incident.
    b. The suspect has a history of domestic violence.
    c. The victim expresses fear of retaliation or further violence.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

d. Threats of serious danger have been made to the victim or to the victim's family.

B. Procedures for Obtaining an Emergency Protective Order

1. Prior to contacting the judicial officer, officers shall complete the application and advise the on-duty supervisor that they are attempting to obtain an Emergency Protective Order.
2. After business hours, contact County Communications and supply a phone number so the on-call judicial officer can return your call.During court business hours, contact the court directly.
3. Upon contact with the judicial officer, officers shall relay the information for the belief that the order is appropriate.Upon the oral issuance of the order by the judicial office, the officer requesting the order shall sign the order.

C. Issued Orders

1. The officer who requested the Emergency Protective Order shall serve the order on the restrained person, if the restrained person can be reasonably located.
2. The officer shall give a copy of the order to the protected person or, if the protected person is a minor child, to a parent or guardian of the endangered child, who is not the restrained person.
3. The officer shall file two copies of the order with the dispatcher as soon as practical after issuance.The dispatcher will retain one copy in the restraining order file, enter the information in the Department of Justice Domestic Violence Restraining Order System (DVROS), and forward the respective copy to the Superior Court Clerk's Office on the next judicial business day (F.C. § 6271(a), (b) & (c)).
4. An Emergency Protective Order is valid for five court days after the day of issuance, but never longer than seven calendar days following the day of issuance.
5. The officer who requested the Emergency Protective Order shall carry a copy of the order while on-duty.(F.C. 6273).At the end of their shift, the officer will forward the copy to the on-duty Watch Commander.
6. Officers shall carry blank copies of Emergency Protective Orders at all times while on-duty.

(a) 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).

(b) 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)).

(c) 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).

D. Officer Immunity

A law enforcement officer who acts in good faith to enforce an Emergency Protective Order is not civilly or criminally liable (Family Code Section 6272 (b)).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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. Pursuant to P.C. §13730 (c), an officer responding to an incident of domestic violence SHALL prepare a domestic violence crime report including the San Bruno Police Department Domestic Violence Checklist, and the San Mateo County Standardized Domestic Violence Form, which will be attached to the report. This report will be written irrespectively of the wishes of the victim or the presence or absence of the suspect.Officers shall:

(a) Identify the crime committed on the report and include “domestic violence” in the classification section.If force is used, the type of force used shall be noted on the face of the report.

(b) Identify whether or not weapons were involved (P.C. 13370 (a)).A weapon is involved if used, its use was attempted or threatened, and a weapon was available.

(c) The “classification box” of the crime report shall be used to identify the information listed above.

Example:

1. P.C. 243 (e)(1) - Batter - Fist / Domestic Violence.
2. P.C. 245 - Assault With Deadly Weapon - Knife / Domestic Violence.

A report shall include at least both of the following:

a. A notation of whether the officer or officers who responded to the domestic violence call observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance;

b. A notation of whether the officer or officers who responded to the domestic violence call determined if any law enforcement agency had previously responded to a domestic violence call at the same address involving the same alleged abuser or victim (P.C. §13730(c)).

Provide the victim with the case number of the report and a copy of the “Victim Assistance” form.(San Bruno Police Form #20). Victim handouts include a statement informing the victim that strangulation may cause internal injuries and encourages a victim to seek medical attention. Agencies should ensure that victim handouts are up to date with the Penal Code requirements. 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.

6. In domestic violence cases where an arrest has not been made, where the elements of a crime exist, and where there is an identifiable suspect, the report shall be submitted to the District Attorney’s Office for review, even if the victim does not desire prosecution.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

B. Officers responding to a domestic related incident where no identifiable crime has been committed, shall complete an incident report which includes the following information:

1. Classifying the report as a Domestic Related Incident.
2. The circumstances and disposition of the call.
3. Provide the parties with the incident number and a copy of the “Victim Assistance” form.(San Bruno Police Form #20).
4. The investigating Officer shall contact CORA via telephone while on scene, provide the call taker with information related to the call and offer the involved parties to speak with the CORA counselor on scene.

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 and Communication Supervisor to maintain and report this information as required. The Records Supervisor shall ensure that victim handouts include a statement informing the victim that strangulation may cause internal injuries and encourages a victim to seek medical attention. Agencies should ensure that victim handouts are up to date with the Penal Code requirements.

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).

308.10 SEIZURE OF WEAPONS

Officers shall seize and take temporary custody of firearms or other deadly weapons that are in plain sight or that are obtained pursuant to a consent search or other lawful search when there is a threat of violence or a physical assault at the scene of a domestic violence incident (Penal Code Section 18250).

A. Officers shall cause an inquiry through the CLETS Automated Firearms System (AFS) file to determine if firearms are registered to any involved person or if any involved person is prohibited from owning firearms.

B. No firearm or other deadly weapon shall be held less than 48 hours (Penal Code Section 18265) . Except as provided in subdivision (b), if a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

or is not retained because it was illegally possessed, the firearm or other deadly weapon shall be made available to the owner or person who was in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than five business days after the seizure.

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)). The receipt shall describe the firearm or other deadly weapon and list any identification or serial number on the firearm. The receipt shall also contain information on how the firearm or other deadly weapon can be returned.

D. Officers shall document the results of efforts made to locate and seize any firearms possessed at the scene of a domestic violence incident.

E. Individuals seeking the release of a firearm must present an approved Law Enforcement Gun Release letter from the Department of Justice prior to the release of the firearm (Penal Code Section 33855).

F. Penal Code Section 18400 authorizes the Department to initiate a petition in Superior Court to prohibit the release of a weapon when the Department has reasonable cause to believe that the return of the firearm or other deadly weapon would be likely to result in endangering the victim or person reporting the assault or threat. The Department shall notify the owner within 10 days of the seizure and initiate the petition. An officer who wishes to initiate the action shall:

1. Provide documentation in the initial report that the firearm was seized pursuant to P.C. 18250.
2. Provide documentation in the initial report as to the belief that the firearm or other deadly weapon would be likely to result in endangering the victim or person reporting the assault or threat.
3. Advise the on-duty Watch Commander of the above. The on-duty Watch Commander will then forward a copy of the report to the City Attorney and request that a petition be filed in the Superior Court.

308.11 COUNTY OF SAN MATEO - DOMESTIC VIOLENCE PROTOCOL

The County of San Mateo Domestic Violence Protocol for Law Enforcement provides guidelines and establishes standards for Public Safety Communications call takers and dispatchers, Law Enforcement first responders and investigators as well as support personnel in handling domestic violence incidents. The protocol seeks to interpret and apply statutory and case law relating to domestic violence incident response and investigation. As more is learned about successful ways of preventing and responding to domestic violence, this protocol will be updated and the current protocol shall be followed.

Click on the below link to access the protocol list:

San Mateo County Protocol

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

308.12 AGENCY SPECIFIC CONTENT AND PROCEDURES

The following sections are specific as supplemental information to the Lexipol Policy content for the San Bruno Police Department.

308.12.1 DOMESTIC VIOLENCE ARREST CONSIDERATIONS

Arrests of domestic violence offenders are encouraged if there is probable cause that an offense has been committed (P.C. 13701). The following factors, for example, are not to influence the officer's course of actions in domestic violence incidents except as they relate to the elements of the crime:

(a) Marital status or domestic relationship of suspect and victim.

(b) Whether or not the suspect lives on the premises with the victim.

(c) The existence or lack of restraining/protective orders.

(d) The potential financial consequences of arrest.

(e) Complainant's preference that an arrest is made, or not.

(f) Occupation, community status, and/or potential financial consequences of arrest.

(g) Complainant's history of prior complaints.

(h) Verbal assurances that violence will cease.

(i) Complainant's emotional state.

(j) Non-visible injuries.

(k) Location of the incident (public/private).

(l) Speculation that the complainant may not follow through with the prosecution, or that the case may not result in a conviction.

(m) The suspect and/or victim is a juvenile.

(n) Assumptions that violence is more acceptable in certain cultures.

(o) Language abilities or barriers and/or immigration status (lack of English language abilities on the part of the victim).

(p) Sexual preference or orientation of the parties.

Officers should be aware that certain health care practitioners are required to make reports to law enforcement about patients who are suffering from any wound or other physical injury where the injury is by means of a firearm or assaultive or abusive conduct. This reporting requirement includes physical injury inflicted as a result of domestic violence (P.C. § 11160 and 11161).

(a) Upon receipt of a report of the aforementioned type of injury from a mandated licensed health care practitioner where domestic violence is alleged, the agency of jurisdiction should respond unless circumstances such as distance or lack of personnel prohibit such response. Health Care Providers in San Mateo County have been

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

informed of the option to contact San Mateo County Public Safety Communications (at 650-363-4911) for all mandated cross reports of domestic violence. San Mateo County Communications shall transfer the call to the appropriate agency after determining the jurisdiction of the domestic violence incident. All such reports of domestic violence shall be handled in the same manner as all other reports of domestic violence.

(b) The dispatcher or call taker receiving any mandated medical practitioner reports of domestic violence shall ascertain the following information:

1. Is the victim still at the medical facility?
2. Is the victim aware the crime is being cross-reported?
3. Is the suspect present at the medical facility?
4. Length of time since the incident?

All the above information shall be relayed to the responding officer or field supervisor. Such information should be considered in determining the appropriate contact with the victim. Primary concern shall be given to the immediate and future safety of the victim. A formal police report shall be taken and if it is determined that San Bruno is not the agency of jurisdiction the report shall be forwarded to the agency where the offense occurred.

If the incident occurred in another jurisdiction, the officer shall contact that jurisdiction and proceed at their request.

In the event the suspect has left the scene of the incident, an investigation shall be made to determine if a crime has been committed. A retrievable report shall be made.

Notwithstanding Penal Code Section 836 (d), if a victim complains only of a prior unreported incident and has no complaint of pain or physical injury at the time of the current report, the officer shall make a good faith effort to inform the complainant of his or her right to make a private person's arrest.

308.12.2 ADDITIONAL VICTIM PROCEDURES AND CONSIDERATIONS

VICTIM ASSISTANCE

All Officers Shall:

(a) Treat all victims of domestic violence and parties of domestic related incidents with respect and dignity, and inform the victim that he or she will be given all available assistance by responding officers.

(b) Explain legal options available to the victim, including private person's arrest process, emergency protective orders, temporary restraining orders, and in cases of arrest, follow-up procedures and ensuing criminal proceedings.

(c) When the victim in a domestic violence incident requests law enforcement assistance in removing a reasonable amount of personal property to another location, officers shall stand by a reasonable amount of time until the victim has safely done so.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(d) Supply the victim with the English or Spanish versions of the “Victim Assistance” form (San Bruno Police Form #20).

(e) Pursuant to Government Code Section 6254, the name of a victim of any crime defined by Section(s) 220, 261, 262, 264, 264.1,273a, 273d, 273.5, 288, 288a, 289, 422.6, 422.75, or 646.9 of the Penal Code may be withheld at the victim’s request, or at the request of the victim’s parent or guardian if the victim is a minor. In these cases, officers shall:

1. Advise the victim that his or her name will become public record unless he/she requests that it not. Complete confidentiality form. (San Bruno Police Form #156).

2. Officers shall document the fact that they advised the victim of the above notification, and the victim’s response, in the report.

(f) In the case of an alleged sex crime violation of P.C. §220, §261, §261.5,§262, §264, §264.1,§286, §288(a) or §289, the officer shall:

1. Pursuant to P.C. §264.2(b)(1), an officer shall immediately notify the local rape victim counseling center when the victim is transported to a hospital for examination, and the victim approves of the notification.

2. Pursuant to P.C. §293, and G.C. §6254, information disclosing that the person is a victim of the crimes listed above may be deleted at the request of the victim, or the victim’s parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime. Advise the victim that his or her name will become public record unless he/she requests that it not. Complete confidentiality form. (San Bruno Police Form #156).

3. Supply the victim with the English or Spanish versions of the “Victim Assistance” form. (San Bruno Police Form #20).

4. Officers shall document in the report the fact that they advised the victim of the above notifications and the victim’s response.

(g) Officers handling an incident involving ANY type of domestic violence, or a Domestic Related Incident shall make notification to the Emergency Response Program. The counselor will speak briefly with both parties, however, he or she will not speak with a party who has been taken into custody. A notification to a counselor will be made whether or not it is determined the incident is criminal in nature and whether or not an arrest is made. Officers shall document in the report the fact that they advised the victim of the above notifications and the victim’s response. The notification procedure is as follows:

1. The officer contacts the CORA counselor using the designated ERP line (650) 652-0813. Between the hours of 0900-2200, the telephone will be answered live by a CORA counselor. After-hours and on weekends, the automated phone paging system will promptly alert the on-call counselor when an officer leaves a message. The counselor’s goal is to return the officers page within ten (10) minutes.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. If the officer is unable to contact an ERP counselor based on the nature of the incident or does not receive a call back within ten minutes, the officer will submit an electronic referral using the secure webpage referral system via the link. When the information is received by CORA, the referring law enforcement agency will receive confirmation and an ERP referral number.LAWNETI
3. In addition to the referral, the agency will fax a copy of the police report to CORA/ERP upon completion in all cases where children are present at the scene of the incident. The fax number is 650-652-0808.
4. In all domestic violence incidents, an officer shall assist in making arrangements to transport the victim to alternate shelter if the victim expresses an immediate concern for safety or the officer determines a need exists

(h) VIP Screener/Coordinated Response

1. A coordinated response of law enforcement and child welfare agencies is now required by P.C. 13732(b). In all domestic violence incidents where children were present and/or where children reside in the home, the following shall be faxed to the VIP Screener at the same fax number for ERP/CORA.
   (a) Incident/Crime Report.
   (b) Any restraining order documentation.
   (c) Summary of past police contacts, if applicable.
2. Faxing this information shall occur in all cases whether there is or is not a mandated report of suspected child abuse to Child Protective Services.

Nothing in these procedures is intended to put the officer or the involved parties in jeopardy. There may be circumstances in which immediate arrests are necessary (parties may need emergency medical treatment or the environment is too dangerous for officer or others involved to remain for an extended period of time).In all cases, it is expected that the officer will use their own judgment in following these procedures.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Canines

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

309.2 POLICY

It is the policy of the San Bruno Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.3 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Field Services Division or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

309.4 REQUESTS FOR CANINE TEAMS

Field Services Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Field Services Division shall be reviewed by the Watch Commander.

309.4.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams when warranted should not be discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports.

309.4.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

309.5 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

The canine shall not be used against persons known to or believed to be juveniles, unless the officers' or other lives are in immediate danger. (SOP)

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

309.5.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

309.5.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

handler shall document in any related report how the warning was given and, if none was given, the reasons why.

309.5.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES
Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report in addition to the required Use of Force Report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

309.5.4 CROWD CONTROL
At not time shall the canine be deployed as a crowd control tool or method.

309.6 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

309.6.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

309.6.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

309.7 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(d) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler’s home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes and personal vehicles (used to transport the canine), to verify that conditions and equipment conform to this policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(f) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(g) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.

(h) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.

(i) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

309.7.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.8 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the canine training binder.

309.9 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

309.9.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST, CNCA, or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the San Bruno Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

309.9.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

309.9.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

309.9.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the San Bruno Police Department may work with outside trainers with the applicable licenses or permits.

309.9.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the San Bruno Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

309.9.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Juvenile Contacts Non-Custodial

310.1 PURPOSE AND SCOPE

To ensure school officials are made aware of police contacts with the children during school hours. It is the policy of the San Bruno Police Department for an officer who has any unusual, non-custodial contact with a juvenile's to contact their parents or guardian.

310.2 SCHOOL CONTACTS

(a) Absent fresh pursuit or other exigent circumstances, contact shall be made with the school authorities prior to any contact with a juvenile at school.

(b) Should a student request to have a parent, guardian, or school representative present during the interview, their request is to be granted.

(c) A parent or guardian shall be notified whenever a juvenile is arrested.

310.3 OTHER POLICE CONTACTS

1. Any officer making an unusual contact with a juvenile shall notify the juvenile's parents regarding the cause and disposition of the contact. For example:

a. Any contact with a juvenile which goes beyond a mere contact and borders on an investigation, suspect in a crime, or failure to cooperate or identify.
b. Where an officer uses a weapon or any degree of physical force or restraint on the person of a juvenile and subsequently releases the juvenile.
c. Contact with any juvenile who is the victim of a serious crime.
d. Contact with any juvenile who has suffered physical injury or has been in a physically or mentally threatening situation.
e. An exception to the notification requirement would apply when making parental notification would compromise an ongoing criminal investigation, i.e., the parents are also targets of the investigation and notification at that time might result in flight, spoliation of evidence, etc.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Temporary Custody of Juveniles

311.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the San Bruno Police Department (34 USC § 11133).

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

311.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

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

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

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

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

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

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

311.2 POLICY

The San Bruno 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 San Bruno Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

311.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the San Bruno Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

311.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY
When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Shift Sergeant shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

311.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY
Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

311.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the San Bruno 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 San Bruno 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 San Bruno Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

311.4.1 CUSTODY OF JUVENILE NON-OFFENDERS
Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the San Bruno Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

311.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

311.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the San Bruno Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the Department.

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

(d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

311.5 ADVISEMENTS

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

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

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

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

311.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the San Bruno Police Department (15 CCR 1150).

(c) Watch Commander notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Time of all safety checks.

(g) Any medical and other screening requested and completed (15 CCR 1142).

(h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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

311.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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 San Bruno Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

311.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the San Bruno 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 San Bruno Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the San Bruno Police Department more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

2. This does not apply to surreptitious and legally obtained recorded interrogations.

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

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

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

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

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

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

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

1. The supervisor should ensure that there is an adequate supply of clean blankets.

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

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

311.9 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 San Bruno Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

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

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

311.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the San Bruno 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 San Bruno Police Department.

311.11 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(e) Age, type, and number of other individuals in custody at the facility

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

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

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

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

311.11.1 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) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room (15 CCR 1147).

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

311.12 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 San Bruno Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigation Division Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

311.13 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 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

311.13.1 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

311.14 FORMAL BOOKING

No juvenile offender shall be formally booked without notification of the arresting officer's Watch Commander.

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

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

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

311.15 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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 San Bruno 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 and Communication Supervisor and the appropriate Investigative Services Section supervisors to ensure that personnel of those bureaus act within legal guidelines.

311.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Field Services Division Captain shall coordinate the procedures related to the custody of juveniles held at the San Bruno Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

311.17 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

311.18 AGENCY SPECIFIC CONTENT AND PROCEDURES

The following subsections are specific to the San Bruno Police Department and are in addition to the Lexipol master content.

311.18.1 DISPOSITION OF JUVENILE OFFENDERS (SOP)

Personnel shall utilize one of the following dispositions when dealing with a juvenile offender arrested for a misdemeanor offense:

(a) Reprimand and release.

(b) Release and referral to North Peninsula Family Alternatives.

(c) Release and referral to Juvenile Probation.

(d) Incarceration at Juvenile Hall.

Items (a)-(b) above also apply to any juvenile falling under the provisions of 601 W & I. If none of those three alternatives are possible, the juvenile may be transported to the crisis resolution home “Your House.” Staff is available on a 24-hour, 7-day-a-week basis to provide a safe environment for and to work out alternatives for the juvenile offender.

Minors 14 years of age or older arrested for felony offense listed in Section 707 (b) of the Welfare and Institutions Code, or for any felony offense or attempted offense where the minor personally used a firearm, must without exception, be booked into Juvenile Hall.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

All arrestees, 14 years and older, charged with any other felony offense (including wobblers), cannot be released until the minor and parent, guardian or relative sign a promise-to-appear notice.

A copy of the Promise to Appear must be attached to the front of the JCR.

All felonies must be referred to the District Attorney's Office, who will then decide which ones can be diverted under Welfare and Institutions Code 654.

311.18.2 TRAFFIC NARCOTIC MATTERS - JUVENILES (SOP)

(a) Whenever a juvenile is taken into physical custody on a traffic/narcotic infraction or misdemeanor, a traffic citation must accompany the Juvenile Contact Report.

(b) On the traffic collision investigation, the investigating officer may issue a citation to a juvenile at the scene if the juvenile is at fault; or, if during the investigation, it is discovered the juvenile is at fault, a completed citation may be submitted to a juvenile at the scene or a completed citation may be submitted to the juvenile court along with the traffic collision report. At this point the referee will give the juvenile a copy of the citation.

(c) This will not alter the procedure wherein a juvenile is simply issued a citation in the field and released for a violation of the California vehicle Code.

311.18.3 DIVERSION (SOP)

North Peninsula Family Alternatives (NPFA) is a multi-agency, community-based juvenile diversion program which includes the cities of San Bruno, South San Francisco, Brisbane, Millbrae and San Mateo County Probation Department. This program is operational 7 days a week, and staff coverage is available on a 24-hour basis for crisis situations. Services include (but are not limited to) individual, group and family counselling. When considering diverting a youth to North Peninsula Family Alternatives, the following criteria should be met:

(a) Voluntary participation by the youth and parent or guardian is a prerequisite

(b) Eligibility

1. Any 601 W&I offense; i.e.: Runaway, Incorrigible, Habitual Truant, Curfew, In danger of leading an idle, dissolute, lewd or immoral life.

2. Minor 602 W&I offenses: Misdemeanors, Felonies after a referral by the District Attorney.

(c) Ineligibility of an NPFA Referral: Homicide, Rape, Armed Robbery, Kidnapping, other crimes of a violent nature and Juveniles currently on probation.

Depending upon the urgency of the situation, appointments for counselling may be made in any of the following ways:

(a) Crisis Situation: Immediate contact with the counselor through the Police Dispatcher.

(b) Non-Emergency Situations:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. Refer complete case reports to the Support Services Officer for review and forward to North Peninsula Family Alternatives.
2. The Support Services Officer or an NPFA counselor will contact the youth and parents.

(c) Juvenile Contracts (Police Referral/disposition in Lieu of Petition to Juvenile Court): Officers will prepare a Juvenile Contract on every minor arrested for a misdemeanor offense, for whom a Juvenile contact Report is completed. The contract must be signed by the juvenile an his/her parents or guardian and will then be attached to the JCR.Juvenile Contracts will be completed on all minors except those who are, on probation or being booked into Hillcrest

311.18.4 DOCUMENTING JUVENILE CONTACTS (SOP)

A. Probable Cause Determinations (PCDs)

1. When a juvenile is booked at Hillcrest a brief statement of probable cause for the arrest of the juvenile must be written prior to the narrative in the “Details of Offense” portion of the JCR form.The Juvenile Court Judge will only read the “PCD” portion of the “Details of Offense” section.

2. Arrest of a child under age 14 - Proving Knowledge of the Wrongfulness of their act.

a. Although California law has no minimum age of accountability, juveniles under the age of 14 are presumed incapable of criminal intent.The prosecution bears the burdens of providing that, at the time of the commission of the crime, the juvenile knew the wrongfulness of the act.To this end, the office of the District Attorney has recommended that some of the following questions be used and documented in the narrative of the report.This information is in addition to any statements regarding the offense under investigation.(Note:Child would be “Mirandized” prior to the asking of these questions.)

1. Do you know the difference between doing something that is right and doing something that is wrong?
2. Tell me something that you know is wrong to do.
3. Tell me something that you know is right to do.
4. What happens to you at home if you do something that is wrong?
5. What happens to you at school if you do something that is wrong?
6. Do your mother and/or father punish you for doing something that they have told you is wrong to do?
7. Has you mother or father told you that it is wrong to _____?
8. Do you think that it is wrong to _____?
9. Why is it wrong to _____?

b. Officers will still mark JCR box #30 yes or no as to whether “under 14, questioned re wrongfulness of acts.”

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Search and Seizure

312.1 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 San Bruno Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the San Bruno 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.

312.3 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

312.4 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.

312.5 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Adult Abuse

313.1 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 San Bruno Police Department members as required by law.

313.1.1 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).

313.2 POLICY

The San Bruno Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

313.3 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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.

313.4 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).

313.5 MANDATORY NOTIFICATION

Members of the San Bruno Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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 Investigative Services Section 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).

313.5.1 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

313.6 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.

313.6.1 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)).

313.7 INTERVIEWS

313.7.1 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.

313.7.2 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:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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.

313.8 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.

313.9 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.

313.9.1 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 Investigative Services Section supervisor so an interagency response can begin.

313.9.2 SUPERVISOR RESPONSIBILITIES

The Investigative Services Section 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Activate any available interagency response when an officer notifies the Investigative Services Section 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.

313.10 RECORDS BUREAU RESPONSIBILITIES

The Records Section 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.

313.11 JURISDICTION

The San Bruno 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).

313.12 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

"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.

(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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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 safe

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.

(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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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.

313.13 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

313.14 AGENCY SPECIFIC PROCEDURES

The following is San Bruno Police Department procedure which is offered in addition to the Lexipol content.

313.14.1 NON-EMERGENCY NOTIFICATIONS

Whenever a suspected adult/elder abuse situation is brought to an officer's attention and there is not an extremely urgent need for immediate intervention, the following actions shall be taken. The investigating officer will:

(a) Telephone Adult Protective Services (APS) and advise them of the observations and information. Aging and Adult Services Adult Protective Services (APS) Department of Health Services County of San Mateo 225 W. 37th Avenue San Mateo, CA94403 1 (800) 675-TIES (8437).

(b) Complete the REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE form (SOC 341), affixing a San Bruno case number to the upper right corner of the form.A San Bruno Incident Report Form face sheet shall be completed. The narrative section of the Incident report needs only reference that a REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE form is attached.

(c) The Records Clerk shall forward a copy to:

1. Adult Protective Services Liaison SBPD the Investigative Services Supervisor,
2. APS
3. file the original report in the Incident Report File.

Should there be a need for immediate intervention by APS, the investigating officer will provide all needed information to the APS answering service and take appropriate action as deemed necessary; i.e., crime report, arrest perpetrator. The investigating officer will complete the Report of Suspected Dependent Adult/Elder Abuse form, which will be subsequently forwarded to APS as indicated in the previous section.

Adult Protective Services (APS) can be reached by telephone 7 days a week, 24 hours a day. Normal work hours for staff is Monday through Friday, 0800 to 1700 hours. There is an emergency response team available at any time of the day or night.

313.14.2 SAN MATEO COUNTY PROTOCOL

Officers should familiarize themselves with the following county protocol:

SMTO Co Elder Abuse Protocol Link

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Discriminatory Harassment

314.1 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. Nothing in this policy is intended to superceed the city wide policy in place: "Discrimination and Harrassment In The Workplace Policy and Complaint Procedure."

314.2 POLICY

The San Bruno 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.

314.3 DEFINITIONS

Definitions related to this policy include:

314.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that 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; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

314.3.2 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.

314.3.3 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 the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

314.3.4 RETALIATION

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

314.4 RESPONSIBILITIES

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

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

314.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

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

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

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

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

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

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

314.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

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

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

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

314.4.3 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 Human Resources Director, the City Manager, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

314.5 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.

314.5.1 SUPERVISOR RESOLUTION

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

314.5.2 FORMAL INVESTIGATION

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

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

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

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

314.5.3 ALTERNATIVE COMPLAINT PROCESS

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

314.6 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:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

- Approved by the Chief of Police, the City Manager or the Human Resources Director, depending on the ranks of the involved parties.
- Maintained in accordance with the department's established records retention schedule.

314.6.1 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.

314.7 TRAINING

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

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

314.7.1 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).

314.8 WORKING CONDITIONS

The Administrative Services Division Captain or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (2 CCR 11034).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

314.9 REQUIRED POSTERS

The City of San Bruno Human Resources Department shall be responsible for the display of required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when San Bruno Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

315.1.1 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).

315.2 POLICY

The San Bruno Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

315.3 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

315.3.1 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.

315.4 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).

315.5 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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).

San Mateo County Suspected Child Abuse Protocol

315.5.1 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).

315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer shall complete a Juvenile Contact Report (JCR) and 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, 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.

315.6.1 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.

315.6.2 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

315.7 INTERVIEWS

315.7.1 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.

Investigators shall refer to the following County Protocol with regard to interviews of victims of Child abuse.

San Mateo County Suspected Child Abuse Protocol

315.7.2 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.

315.7.3 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).

A. In the course of investigating a child abuse, neglect, or molestation, officers NEED NOT contact a parent, if the parent is the alleged suspect, prior to contacting the juvenile at school.
B. In any event, contact SHALL BE MADE with the school authorities prior to any contact with a juvenile at school.
C. In the event a juvenile is to be taken into protective custody, IT IS NOT REQUIRED to advise the school authorities beforehand; however, they should be advised if such prior advisement would not jeopardize the investigation.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

D. After a juvenile is taken into protective custody, the school authorities, parent(s), or guardian SHALL BE ADVISED of the situation.

315.8 FORENSIC 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.

A. Forensic medical examinations will be conducted at the Children's S.A.F.E. Center when:

1. The alleged victim is available during regular business hours, and
2. The victim is under 18 years of age, and
3. Less than 72 hours has elapsed since the sexual abuse has occurred and no other emergency medical attention is required, or
4. More than 72 hours has elapsed since the sexual abuse occurred.

B. Forensic medical examinations are done in the Emergency Department of the San Mateo County General Hospital after consultation between the on-call pediatrician and the requesting agency, and when:

1. The Children's S.A.F.E. Center is closed or additional trauma is present requiring emergency medical attention, and
2. The suspect is a flight risk.
3. The suspect, if not arrested immediately, poses a danger to the victim

315.9 RESPONSIBILITIES

315.9.1 SUPERVISOR RESPONSIBILITIES

The Investigative Services Section 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 Investigative Services Section supervisor that the officer has responded to a drug lab or other

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

315.9.2 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 Investigative Services Section supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

315.10.1 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).

315.10.2 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.

315.10.3 CACI HEARING OFFICER

The Investigative Services Section 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.

315.10.4 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

315.10.5 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).

315.11 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.

315.12 AGENCY SPECIFIC PROCEDURES

The following is San Bruno Police Department Police Department procedures offered in addition to the Lexipol Content

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

315.12.1 PATROL OFFICERS RESPONSE (SOP)

The following are the standard procedure considerations:

(a) Most initial contact with the victims are made by uniformed personnel. The officer should avoid an in-depth interview with the child.The following procedure should be followed by the uniformed personnel:

1. Determine whether or not the child is in need of medical attention due to an injury.
2. Obtain and document the following information: jurisdiction, time frame of events, basic elements, identify and interview anyone who may provide corroborating or witness information and determine suspect information.

(b) Whenever possible, the initial officer should attempt to obtain the above information from disclosure witnesses.The officer should avoid attempting to interview the victim or suspect unless s/he is actively disclosing information about the act.The victim will be asked for details at a later time when interviewed at the Children'sS.A.F.E. Center.

(c) Advise Children's Protective Services

(d) For incidents of child sexual abuse, there are requirements set forth by both county policy and state law.Some of those requirements are to be met by uniformed personnel during the initial contact while others are to be met by the detective to whom the case is assigned.

(e) Most initial law enforcement contacts with the alleged victims of a child sexual abuse are made by uniformed personnel.The officer should avoid an in-depth interview with the child.

(f) The following procedure should be followed by uniformed personnel during the initial contacts:

1. Determine whether or not the child is in need of medical attention due to an injury.
2. Obtain and document the following information:
   (a) The jurisdiction in which the alleged incident occurred.
   (b) Time frame of events (approximate dates when possible).
   (c) The basic elements of the crime.
   (d) Attempt to identify and interview anyone who may provide corroborating or witness information about the incident(s).
   (e) Determine any suspect information/description if available.

(g) Whenever possible, the initial officer should attempt to obtain the above information from disclosure witnesses.Officers should avoid attempting to interview the victim or suspect unless s/he is actively disclosing information about the act(s).The victim will be asked for details at a later time when interviewed at the Children’s S.A.F.E. Center.

(h) A telephone report of suspected child abuse to the Children’s Protective Services SHALL, per§ 11167 P.C., include:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. The name of the person making the report, the agency, and the case number.
2. The name of the child.
3. The present location of the child.
4. The nature and extent of any injuries.
5. Any other information, including information that led to the suspicion of child abuse,requested by the Children's Protective Services.

(i) The party making the telephone call shall note the contact on the report.Included in the notation shall be the name of the Children's Protective Services representative contacted.

Officers are required to follow the San Mateo County Suspected Child Abuse Protocol below:

San Mateo County Protocol

315.12.2 INVESTIGATIVE SERVICES INVOLVEMENT

(a) The initial written report is to be forwarded to Investigative Services within 24 hours of receiving the complaint.

(b) During normal working hours, the detective responsible for handling such investigations will be notified of the complaint.After-hours and weekend notification to the detective may be made should the on-duty Watch Commander deem it to be appropriate.The notification may be to merely seek the advice of the detective or a call out in accordance with current Department policy (General Order 4-01).

(c) Once the preliminary steps outlined in sections III through VI have been completed, further investigation, including victim and suspect interviews, are to be completed by the detective to whom the case is assigned.The following procedures should be followed by the detective:

1. Ideally, the victim interview should be done within 24 hours when a child has been taken into protective custody and within 1 week if the child remains in the care of a non-offending caretaker.
2. The coordinator at the Children's S.A.F.E. Center is to be contacted to arrange a date and time for the interview.
3. Notify the District Attorney's Office and Family Services (CPS) to advise of the date and time of the scheduled interview.
4. Retention of the video-taped victim interview is the responsibility of the detective.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14215) the following:

- A victim of a crime or foul play
- A person missing and in need of medical attention
- A missing person with no pattern of running away or disappearing
- A missing person who may be the victim of parental abduction
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Child- Is a person from birth through 17 years unless otherwise specified.

Dependent adult- Is someone between the ages of 18 and 64 who has physical or mental limitations which restrict their ability to carry out normal activities. Elderly adults with physical or mental impairments are not within the statutory definition of dependent adults; however, an elderly person with Alzheimer's disease who has disappeared meets the definition of "at risk."

Missing Person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

316.1.2 SAN MATEO COUNTY PROTOCOL

Officers should review the San Mateo County Missing Persons Protocol for missing/abducted children. Link below:

San Mateo County Missing/Abducted Child Protocol

316.2 POLICY

The San Bruno 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

reveals otherwise. The San Bruno 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).

316.3 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

316.4 ACCEPTANCE OF REPORTS

Any employee 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 employees who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an employee 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).

316.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

316.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Section.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

Follow the San Mateo County Missing /Abducted Child Protocol. Link below:

San Mateo County Missing/Abducted Child Protocol

316.6.2 RECORDS SECTION RESPONSIBILITIES
The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the Investigative Services Section.

(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).

316.7 INVESTIGATIVE SERVICES SECTION FOLLOW-UP

The Investigative Services Section of the Field Services Division is responsible for follow-up investigation of adult missing person cases.This unit is responsible for the attainment of dental records pertaining to their individual cases and the submission of them to the Department of Justice under the following guidelines:

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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

If a missing person is not located within thirty (30) days, the family or next-of-kin shall be provided with DOJ Form SS-8567 (R-3/87) (Request to Release Dental Records).The records, including x-rays, should be returned to this Department within 10 days.If the missing person has still not been located within 45 days, and after conferring with the Coroner's Office, the dental records shall be submitted to the Department of Justice along with DOJ Form SS-8568 (R-6/80) (Missing Persons Reporting Form).

316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, verification must be made by a Peace Officer. The assigned officer/investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records and Communication Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) Notification is made to California DOJ.

(b) The missing person's school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General's Office.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

316.8.1 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.

316.9 CASE CLOSURE

The Investigative Services Section 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 San Bruno Police Department 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.

316.10 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

316.11 AGENCY SPECIFIC PROCEDURES

The following are specific procedures for the San Bruno Police Department in addition to the Lexipol content.

316.11.1 REPORT ACCEPTANCE PROCEDURES

The Officer or call taker receiving a missing person report shall conduct an immediate inquiry to determine if further investigation is warranted.This assessment shall include, but not be limited to, the following criteria:

(a) Potential for "at risk" circumstances:

1. Is the person a victim of a crime or foul play?
2. Is the victim in need of medical attention?
3. The victim has no pattern of running away or disappearing.
4. Is the victim of a potential abduction/kidnapping.
5. Is mentally impaired.
6. Are there indications the person may be suicidal?

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Danger to the Missing Person

1. Is the missing person a minor, 12 years of age or younger, and possibly in physical danger (lost, exposure, hunger, injured)?
2. Broadcast a "BOL" without delay within local jurisdiction if child is under 12 years of age or if a person of any age is "at risk."
3. Is the missing person in a mental state where their safety and health may be in danger(senile, retarded, insane, disoriented, etc.)?
4. Is the missing person in the company of another person under circumstances
5. indicating physical danger?

(c) Runaway Persons

1. Has the person run away before (habitual runaway)?
2. Has the reporting party contacted friends and/or family members?
3. Is there evidence indicating the individual is a runaway?
4. Is there a basis for law enforcement intervention?

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Public Alerts

317.1 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.

317.2 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.

317.3 RESPONSIBILITIES

317.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the San Bruno Police Department should notify their supervisor, Watch Commander or Investigative Services Section 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.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Captain and the Press Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Captain

317.4 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.

317.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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.

317.4.2 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 Press 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)

317.5 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

317.5.1 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.

317.5.2 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 Press 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

317.6 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).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

317.6.1 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.

317.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

317.7 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.

Per the MOU, the Burlingame Police Department Communications Division (dispatch) can be made available in the event of a high call volume.

If the Watch Commander or Investigative Services Section Supervisor elects to use the services of the Burlingame Police Department, the following will apply:

(a) Notify the Burlingame Police 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.

1. The San Bruno Police Department Press Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Burlingame Police Department will be referred back to this department.

The San Bruno Police Department may assign personnel to respond to the Burlingame Police Department 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

317.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

317.8.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

(a) Evacuation orders (including evacuation routes, shelter information, key information).

(b) Shelter-in-place guidance due to severe weather.

(c) Terrorist threats.

(d) HazMat incidents.

317.8.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Victim and Witness Assistance

319.1 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.

319.2 POLICY

The San Bruno Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the San Bruno 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.

319.3 CRIME VICTIM LIAISON

ADMINISTRATION

A. The Administrative Services Division Lieutenant is hereby designated as the Victims of Violent Crimes' Liaison Officer (2 CCR 649.36).It shall be the Lieutenant's responsibility to see that the required file is set up and properly maintained. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the San Bruno 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.

B. The Administrative Services Division Lieutennant will also be responsible for all necessary contacts that are required with the San Mateo County Aid to Victims and Witnesses Office, the State Board of Control, and the Attorney General's Office.

C. It shall be the responsibility of the Records Clerk to review all police reports, including those in the "to be completed" basket on a daily basis and follow the procedures as outlined in this general order.

319.3.1 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).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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 San Bruno Police Department jurisdiction (Penal Code § 680.2).

319.4 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.

319.4.1 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).

319.5 VICTIM INFORMATION

The Records and Communications 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 standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U visa and T visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the officer's name, badge number, and any applicable case or incident number.

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

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

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

319.6 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.

319.7 AGENCY SPECIFIC PROCEDURES

The following are procedures specific to the San Bruno Police Department in addition to the Lexipol content.

319.7.1 REPORTING PROCEDURES (SOP)

A. Generally victims of Violent Crime procedures will be followed on the following Penal Code and Vehicle Code sections: 187, 192, 207, 211, 220, 236.1 (human trafficking def), 242, 243, 245, 261, 270, 273.5, 288, 417, 20001, 23104, and 23153.

1. When a company or firm is robbed, the person who was held up is to be considered a victim for VOVC purposes.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. Any assault with injury that required medical attention, or where there was a threat with a knife or any other weapon. Even if the victim indicates no prosecution is desired, VOVC personnel want to be able to make contact and advise victims of aid that is available and the dangers that reoccurrence may exist.
3. Any child victim/witness of Domestic Violence.
4. Good Samaritan includes an outside party that tried to give aid or support to a victim of a crime and was subsequently assaulted or injured as a result.

B. If the report of incident meets the Department's established VOVC policy guidelines, the Records Clerk shall make a notation on the face sheet of the report.

C. It shall be the responsibility of the Records Clerk to forward, by mail, a letter of notification which defines and describes the eligibility of Victims of Violent Crimes of State compensation, and the procedures to be followed in applying for said compensation. A copy of this letter will be forwarded to the San Mateo County Aid to Victims and Witnesses, as well as a copy placed in the Victims of Violent Crimes folder. The Records Clerk shall date and initial the report indicating VOVC requirements have been met.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Hate Crimes

320.1 STATISTICAL REPORTING REQUIREMENTS

Pursuant to P.C. § 13023, law enforcement agencies are required to report to the Department of Justice information relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation or physical or mental disability.

The Records Supervisor is responsible for forwarding a copy of the completed report to the Department of Justice, Law Enforcement Information Center.

Pursuant to P.C. § 422.92, a brochure has been made available for victims of Hate Crimes as well as the public at the front counter.

320.2 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the San Bruno Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

320.2.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias,

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

Gender identity- Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability

(b) Gender

(c) Nationality

(d) Race or ethnicity

(e) Religion

(f) Sexual orientation

(g) Association with a person or group with one or more of these actual or perceived characteristics:

1. “Association with a person or group with these actual or perceived characteristics" includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality includes citizenship, country of origin, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

320.3 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

320.4 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

320.4.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

(a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim's family.

(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.

(i) Coordinating with the Training Manager to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.

(k) Taking reasonable steps to ensure hate crime data is provided to the Records Section for mandated reporting to the Department of Justice.

(l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Section Policy.

(m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

(n) Annually assessing this policy, including:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.
2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

320.4.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.

(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.

(c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

320.5 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

320.5.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.

1. Assist victims in seeking a Temporary Restraining Order (if applicable).

(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

(f) Collect and photograph physical evidence or indicators of hate crimes such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.

(g) Identify criminal evidence on the victim.

(h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

(i) Conduct a preliminary investigation and record pertinent information including but not limited to:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. The offer of victim confidentiality per Government Code § 6254.
4. Prior occurrences in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. The victim's protected characteristics and determine if bias was a motivation “in whole or in part” in the commission of the crime.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

(k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(n) Document any suspected multi-mission extremist crimes.

320.5.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.
5. Desecration of religious symbols, objects, or buildings.

(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. Offer of victim confidentiality per Government Code § 6254.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

4. Prior occurrences, in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. Document the victim's protected characteristics.

(h) Provide victim assistance and follow-up.

(i) Canvass the area for additional witnesses.

(j) Examine suspect's social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

(l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.

(m) Determine if the incident should be classified as a hate crime.

(n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:

1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
2. Provide ongoing information to victims about the status of the criminal investigation.
3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).

(o) Document any suspected multi-mission extremist crimes.

(p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

320.5.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

(a) Provide immediate assistance to the crime victim by:

1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officerto specific locations that could become targets).

(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

(j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

320.6 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias and gender bias.

(b) Accurate reporting by officers, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

320.7 APPENDIX

See attachments:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Standards of Conduct

321.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the San Bruno 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.

321.2 POLICY

The continued employment or appointment of every member of the San Bruno 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.

321.3 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.

OBEDIENCE - LAWS AND ORDERS: Employees shall obey all laws, ordinances, and the lawful orders of the Court, whether verbal or in writing.

ORDERS: Any order over the signature of the Chief of Police shall have the same effect as, and be construed as part of these rules and regulations.

ORDERS OF SUPERIOR OFFICERS: Members shall obey the lawful orders of a supervisor at all times.

321.3.1 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

321.3.2 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.

321.4 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.

DEPORTMENT: Employees, whether on-duty or off-duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not conduct themselves in a manner that is, or may appear to be, immoral, indecent, lewd, disorderly, or commit any act tending to bring reproach or discredit upon the Department or the City of San Bruno.

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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

321.5 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:

321.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(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.

321.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the San Bruno 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.

321.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

321.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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.

321.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

321.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.

    (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

321.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Human Resources Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

321.5.8 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) COURT CASES: Members of the Department shall not take part or be concerned, either directly or indirectly, in making or negotiating any compromise or arrangement for any criminal, or any person, with a view of permitting such criminal or other person to escape the penalty of the law. They shall not seek to obtain any continuance of any trial in court out of friendship for the defendant, or otherwise interfere with the courts of justice. This section shall not be construed as preventing a member of the Department from cooperating with the prosecuting attorney in the altering of any charge or other action, in any case the officer may be concerned with as the arresting or investigating officer, in the furtherance of justice.

(d) 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.

(e) 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.

(f) CRITICISM OF OFFICERS: Officers and employees of the Department shall conduct themselves in a manner that will foster the greatest harmony and cooperation between

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

each other and the divisions and units of the Department. Gossiping and/or rumor-spreading about another officer or employee will not be tolerated.

(g) 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.

1. ACTS - STATEMENTS - BY EMPLOYEES:Employees shall not perform any acts or make any statements, oral or written, for publication or otherwise, which tend to bring the Department or its administrative officers into disrepute or ridicule; or which destructively criticize the Department or its administrative officers in the performance of their official duties; or which tend to disrupt or impair the performance of official duties and obligations of officers in the Department; or which tend to interfere with or subvert the reasonable supervision or proper discipline of members of the Department.

(h) BUSINESS TRANSACTION WITH PRISONERS: Members of the Department shall not, either directly or indirectly, do business with or engage in any business transaction with any person held in custody.

(i) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

(a) While on department premises.

(b) At any work site, while on-duty or while in uniform, or while using any department equipment or system.

(c) 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.

(j) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.

2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(k) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(l) Any act on- or off-duty that brings discredit to this department.

(m) PRESCRIPTION MEDICATION: Any Employee who is taking prescription medication, who has been told, or otherwise has reason to believe, would impair duty performance, i.e., medications that caution against the operation of machinery, etc. shall notify a supervisor. The purpose is to determine if there are any potential duty-limiting effects.

(n) COURTESY: Members of the Department shall be courteous to the public and other employees, tactful in the performance of their duties, control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

discussions even in the face of extreme provocation. This includes taking care to avoid answering questions in a short or abrupt manner but giving the greatest possible attention and courtesy to persons with whom they are speaking. Members shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, sex, lifestyle or similar personal characteristics.

(o) REPORTING OF VIOLATIONS: Employees shall immediately report to their supervisor any act or acts committed by another member of the Department involving violations of any local, Federal or State law, or violation of Department Rules and Regulations.

(p) CHARGES RESULTING IN DISMISSAL: Any member or employee of the Department may be made the subject of charges and action for suspension, demotion or dismissal by the Chief of Police for committing any of the following offenses:

(a) The commission of a felony or misdemeanor under Federal or State law

(b) Violation of any Department rule, regulation, policy or procedure.

(c) Neglect of duty.

(d) Absent from duty without leave.

(e) Willful disobedience of orders.

(f) False statements, including falsification of Department documents.

(g) Any conduct which is detrimental to the good order and discipline of the Department, or which tends to reflect unfavorably upon the Department or the City of San Bruno.

321.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this department.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police 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.

321.5.10 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.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the Chief of Police.

(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.

321.5.11 INTOXICANTS

(a) Reporting for work with an odor of an alcoholic beverage on their breath 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

(d) No employee while off-duty. shall drink an alcoholic beverage or use any drug to an extent which renders them unfit to report for their next regular tour of duty; or which results in the commission of an obnoxious, annoying, or offensive act which might tend to bring discredit to the department. (SOP).

(e) INTOXICANTS - REPORTING FOR DUTY: No employee shall report to duty who has the odor of an alcoholic beverage on his or her breath, or is under the influence of an alcoholic beverage or an intoxicant, unless ordered to do so by a supervisor

(f) INTOXICANTS - ON-DUTY: No officer in uniform shall drink any alcoholic beverage while on-duty. No officer in plain clothes shall drink any alcoholic beverage while on-duty except when necessary in the performance of duty

(g) INTOXICANTS - OFF-DUTY: No employee, while off-duty, shall drink an alcoholic beverage to an extent which renders them unfit to report for their next regular tour of duty; or which results in the commission of an obnoxious, annoying, or offensive act which might tend to bring discredit to the Department.

321.6 AGENCY SPECIFIC CONTENT

The following are standards of conduct with are specific to the San Bruno Police Department in addition to Lexipol Content

321.6.1 GENERAL RESPONSIBILITIES (SOP)

(a) Failure to obey all laws, ordinances and the lawful orders of the Court, whether verbal or in writing.

(b) The enforcement of all laws will be done in a fair and impartial manner.

(c) Members of the department shall provide all proper information to persons requesting same, carefully, courteously, and accurately; either directly or indirectly, promptly and efficiently.

(d) Members shall give their name and badge number in a respectful manner to any person who may request same, unless such information might jeopardize the completion of the assignment.

(e) Employees shall not institute any civil action arising out of their official duties without first notifying the Chief of Police.

(f) Employees shall not use their positions as a means of forcing or intimidating persons with whom they are engaged in civil matters to settle the charge in favor of the employee.

(g) No employee shall accept or agree to accept anything as payment for personal injury incurred in the line of duty in a civil matter without first notifying the Chief of Police.

(h) Employees shall not serve civil papers on duty except as directed by a supervisor.

(i) Employees shall confer with the Chief of Police before giving a deposition or affidavit on a civil case.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(j) No employee shall recommend any attorney or bail bondsmen to any prisoner involved in a criminal or civil case of interest to this department except to an immediate family member.

(k) No employee either directly or indirectly, do business with or engage in any business transaction with any person held in custody.

(l) Employees shall not permit the use of their name or photograph for advertising purposes; or by means of testimonial recommendation, or otherwise participate in any advertising scheme or enterprise related to or based upon their employment with the department without prior permission form the Chief of Police.

(m) Members of the department must obtain permission from the Chief of Police before filling speaking engagements as an official representative of the department.

(n) Officers on-duty, or when officially on-call, shall be directly available by normal communications or shall keep the communications center or supervisor informed of the means by which they may be reached when not immediately available.

1. All members of the Department shall have on record in the Chief of Police's office, their home address, home telephone number, and cellular phone number. Any changes shall be reported, in writing, within 24 hours of making such change, to the office of the Chief of Police.

(o) Employees shall not knowingly and/or intentionally incur any unauthorized departmental expense or liability without prior approval of a supervisor, except when necessary under emergency conditions.

(p) Nothing shall be displayed on bulletin boards, chalk boards or any where information may be posted that is derogatory towards the department or any member thereof, or is sexist, racist, or offensive in any manner.

(q) Employees shall adhere strictly to the procedures outlined in the department orders pertaining to the collection of cash or checks for bail collection, purchase of police reports, fingerprinting fees, and/or currency safekeeping.

(r) Any Employee who is taking prescription medication, who has been told, or otherwise has reason to believe, would impair duty performance, i.e., medications that caution against the operation of machinery, etc. shall notify a supervisor. The purpose is to determine if there are any potential duty-limiting effects

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Information Technology Use

322.1 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.

322.1.1 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 San Bruno 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.

322.2 POLICY

It is the policy of the San Bruno 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.

322.3 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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).

322.4 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.

322.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

322.4.2 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

322.4.3 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.

322.4.4 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.

322.5 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.

322.5.1 DIGITAL MEDIA SANITATION AND DISPOSAL

In keeping with FBI CJIS Security Policy 5.8.3, the San Bruno Police Department shall sanitize, or overwrite at least three times or degauss digital media prior to disposal, or release for reuse by unauthorized individuals. Inoperable digital media shall be destroyed (cut up, shredded, etc). The San Bruno Police Department Communications and Records Supervisor shall maintain written documentation of the steps taken to sanitize or destroy electronic media. All santization or destruction shall be witnessed or carried out by authorized personnel. All destruction of digital media shall conform to the City's established Records Retention Policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) Printed material is to be placed in the secured shred bins located throughout the Department for destruction.

(b) CD/DVD or other disc media is to be placed in the secured shred bins located throughout the Department for destruction.

(c) Hard drives are to be degaussed and rendered physically unusable by crushing or shredding.

(d) Digital tapes are to be degaussed and shredded.

(e) Flash drives/ thumb drives are to be rendered physically unusable by crushing or shredding.

322.5.2 DISPOSAL OF PHYSICAL MEDIA

In keeping with FBI CJIS Secuirty Policy 5.8.4, The San Bruno Police Department shall securely dispose of physical media using formal procedures when the retention of such media is no longer required. Formal procedures for the secure disposal or destruction of physical media shall minimize the risk of sensitive information compromise by unauthorized individuals. Physical media shall be destroyed by shredding or inceneration. All disposal or destrcution shall be witnessed or carried out by authorized personnel. The San Bruno Police Department Communications and Records Supervisor shall maintain written documentation of any such disposal. All disposal of physical media shall conform to the City's established Records Retention Policy.

(a) Printed material is to be placed in the secured shred bins located throughout the Department for destruction.

(b) CD/DVD or other disc media is to be placed in the secured shred bins located throughout the Department for destruction.

(c) Hard drives are to be degaussed and rendered physically unusable by crushing or shredding.

(d) Digital tapes are to be degaussed and shredded

(e) Flash drives/ thumb drives are to be rendered physically unusable by crushing or shredding.

322.6 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 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Report Preparation

323.1 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.

323.1.1 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. Additionally, all reports taken during a workweek shall be completed prior to an Officer going on their days off unless permission to hold the report over 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 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.

323.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

323.2.1 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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).

323.2.2 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

323.2.3 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) Homicide or suspected homicide.

(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

(e) Attended death (Dr. signs off on death certificate)

(f) Found dead bodies or body parts.

323.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

323.2.5 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.

323.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Section shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

323.2.7 ALTERNATE REPORTING FOR VICTIMS
Reports that may be submitted by the public via online or other self-completed reporting processes include the following and only when there are no suspects:

(a) Auto Burglary

(b) Petty Theft ($950 or less)

(c) Grand Theft ($950.01 or more)

(d) Suspicious Circumstances

(e) City Ordinance Violations

(f) Vandalism

(g) Graffiti

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

323.3 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.

323.3.1 REPORT COMPLETION PRIORITY

Absent extenuating circumstances (e.g. late arrest and officer has maxed out on time worked for 24 hours period) reports involving the following types of incidents shall be completed and submitted for approval to the on-duty supervisor/watch commander prior to the officer going off-duty:

(a) In-custody arrest reports (when the arrestee will not be released from custody without first appearing in court).

(b) Reports requiring immediate investigative follow-up.

(c) Any report deemed necessary by the on-duty watch commander.

(d) All reports must be completed prior to the officer going on their days-off or vacation (with the exception of those requiring follow-up).

Reports which do not require priority completion shall be handled in the following manner:

(a) When the report cannot be completed by the officer prior to going off-duty, the supervisor will be advised and the officer will not it on the face sheets so it goes in the case approval log que.

(b) All reports will be completed prior to an officer going off-duty for a period on more than 24 hours, with the exception of: Continuing follow-up, or follow-up which requires the assistance of another shift.

(c) In all cases where a report is not completed, the face sheet of the report must be completed.

(d) The on-duty supervisor is responsible for reviewing the case approval log prior to briefing to see what cases have to be completed.

323.3.2 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.

323.4 REPORT CORRECTIONS

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should note the errors via RIMS and forward it back to the Officers' report queue as soon as possible. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

323.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Media Relations

324.1 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.

324.2 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, Division Captains, Watch Commanders and designated Press Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

324.2.1 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.

324.3 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

be coordinated through the department Press 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 should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

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

324.3.1 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.

324.4 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.).

324.4.1 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the San Bruno Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

325.1.1 DEFINITIONS

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

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

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

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

Employees are not compensated for On Call and Standby status as per the MOU.Should an employee agree to be placed in an On Call or Standby status it will be on a voluntary basis. (SOP)

325.2 POLICY

San Bruno Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

325.3 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 *see sec 325.9 SMCo E Subpoena* (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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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)).

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

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

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

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

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

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the San Bruno Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the San Bruno 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.

325.3.2 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.

325.3.3 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

325.4 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.

325.5 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.

325.5.1 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.

325.6 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

325.7 AGENCY SPECIFIC CONTENT REGARDING COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

325.7.1 COURT STANDBY

To facilitate agreements with the courts, employees are required to provide and maintain current information on their address and phone numbers (both home and mobile phone) with the 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.

If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

325.7.2 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for non law enforcment related actions taken off-duty not related to their employment with San Bruno Police Department shall comply with the

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

325.7.3 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

325.8 WITNESS SUBPOENA SERVICE (SOP)

COURT OFFICER RESPONSIBILITIES

(a) The Court Liaison Officer will be responsible for subpoenas that are brought to and from the court.

(b) The Records Supervisor, or designee, will assign personnel to log subpoenas received by the Police Department into the “subpoena log.”The subpoenas are then to be placed into the “subpoena folder” for service.

(c) The Day and Swing Shift on-duty Watch Commanders will ensure that efforts are made to serve subpoenas.

(d) After a subpoena has been served on a witness, it is the responsibility of that witness to notify the District Attorney’s Office if an appearance date on the subpoena poses a scheduling conflict.

1. Employee witnesses may seek advice from their supervisor as to the manner in which the scheduling conflict may be resolved.

(e) In the event that a subpoena issued to an employee is canceled, the employee receiving the cancellation notice shall note the cancellation in the “subpoena log.”The employee shall then be notified of the cancellation.

(f) Under most circumstances, the District Attorney’s Office will advise citizen witnesses of a cancellation.In some instances, the District Attorney’s Office will request that a member of the Police Department attempt to advise the citizen of the cancellation.Should the District Attorney’s Office make such a request, it will be carried out.

325.9 SAN MATEO COUNTY E-SUBPOENA SERVICE

Pursuant to the agreement between the District Attorney of San Mateo County and the San Bruno Police Department, the District Attorney will prepare and serve subpoena's upon Department employees electronically.

Notification to employees will consist of an email to the employee's designated San Bruno email account (@sanbruno.ca.gov). All employees shall check their email at least once a day while on duty to ascertain service of a subpoena. Upon email notification of a subpoena, employees should access the link (https://ca.hostedbykarpel.com/CASanMateoeSubpoena/Login.aspx) to the portal and view the subpoena.

(a) Employees should view all subpoenas without delay

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) In lieu of prior practice of calling the day before the assigned court date, employees should access the link before appearing in court to avoid unnecessary court attendance.

(c) Overtime will not be paid when failing to confirm your court appearance

(d) If an employee is unable to attend court due to preplanned vacation, training, or other approved absences he/she should prepare a Declaration for Court Continuance within 48 hour of receiving the subpoena via the link.

Supervisor Responsibilities

Supervisors are required to monitor e-subpoenas for the personnel that they supervise to ensure that they are served in a timely manner. In cases where there is an extended absence or situation preventing the employee from being served, supervisors should immediately notify the District Attorney's Office using the Officer Declaration for Court Continuance form.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Reserve Officers

326.1 PURPOSE AND SCOPE

The San Bruno Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

326.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The San Bruno Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

326.2.1 PROCEDURE

(a) Applicant acceptance for consideration by the Chief of Police for membership in the San Bruno Reserve Police Officers Program shall be restricted to individuals who meet the standards already established for regular police officers.

(b) Applicants shall successfully pass an oral board interview before a board of officers. Candidates who successfully pass this oral interview will submit a detailed Personal History Statement.

(c) A background investigation shall be conducted as prescribed by P.O.S.T

(d) Upon the candidate successfully passing the background investigation, the candidate's name will be forwarded to the Chief of Police via the Field Services Division Captain for consideration for appointment into the Reserve Police Officer Program.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

326.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

(a) Appointment as a Level I Reserve Officer refers to a trained reserve officer as described in Penal Code Section 832.6(a)(1).

(b) Appointment as a Level II Reserve Officer refers to a trained reserve officer described in Penal Code Section 832.6(a)(2).

(c) Appointment as a Level III Reserve Officer refers to a trained reserve officer described in Penal Code Section 832.6(a)(3).

326.2.3 ISSUED EQUIPMENT RESERVE POLICE OFFICERS

Equipment for reserve officers is provided as follows:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

All reserve officer appointees are issued uniforms as set forth in UNIFORM policy below. Safety equipment shall be issued in accordance with current MOU. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

326.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Human Resources Department prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

326.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Field Services Division. Reserve officers may be assigned to other areas within the Department as needed. In addition, Reserve Police Officers provide volunteer services on special details such as parades, street fair, park patrol, transportation of prisoners, assisting in routine office duties and other vital services as required. Reserve officers are required to work a minimum of 16 hours per month.

(a) Level I Reserve Police Officers

1. All Level I Reserve Police Officers may perform all of the duties of a Level II Reserve Police Officer and, in addition may work alone to perform general law enforcement duties.General Law Enforcement duties include but are not limited to investigating crime, transporting prisoners, patrolling a geographic area and personally handling the full range of requests for police service and taking enforcement action on the full range of law violations for which the reserve's department has enforcement responsibility.

(b) Level II Reserve Police Officers

1. All Level II Reserve Police Officers may perform general law enforcement duties, described above, under the immediate supervision of peace officers that have completed the P.O.S.T. Regular Basic Course."Immediate Supervision" is defined as being routinely in the physical proximity of and available to the reserve police officer.

2. All Level II Reserve Police Officers may perform limited support duties including but not limited to transporting prisoners, acting as a "cover" officer, working special events and crowd control, evidence transportation and parking enforcement.These duties may be performed while working alone.

(c) Level III Reserve Police Officers

1. All Level III Reserve Police Officers may perform limited support duties including but not limited to transporting prisoners, providing clerical assistance, fingerprinting, traffic control, security at parades and sporting events, evidence

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

transportation and other duties that are not likely to result in physical arrests.These duties may be performed while working alone.

2. All Level III Reserve Police Officers can be supervised by a Level I Reserve Police Officer or a full-time regular officer employed by a law enforcement agency authorized to have reserve officers.

326.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. Access to departmental policy, via the KMS website, will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies and acknowledge all prior to going on duty.

Whenever a rule, regulation, or guideline in the department policy refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

326.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

326.3.3 RESERVE COORDINATOR/SUPERVISOR

(a) The Chief of Police shall appoint a member of the regular department to serve as the Reserve Coordinator.The person shall be the rank of Sergeant.

(b) It shall be the duty of the Reserve Coordinator to oversee the program and serve as the official link between the regular department and the reserve unit.He/she shall be responsible for the overall functioning of the reserve unit within the policies and procedures of the police department.

(c) The Reserve Coordinator shall also be responsible for the selection, training, assignment and discipline of a reserve unit member, subject to ratification and approval by the Chief of Police.The Reserve Coordinator shall assure the following notifications are made respectively to reserve police officer personnel changes:

1. Personnel Action Form is forwarded to the Personnel Department
2. Personnel Order is prepared for department notification.
3. Notice of Appointment/Termination, (P.O.S.T. 2-114 Form) is forwarded to P.O.S.T. for recording.

(d) To assist in duties, the Reserve Coordinator may select members of the regular department to act as Assistant Reserve Liaison Officers subject to approval by the Field Services Division Lieutenant.

326.3.4 PERSONNEL FILES

A. A personnel file shall be established for each reserve police officer. The file shall be maintained in accordance with the California Government Code.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

326.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

326.4.1 TRAINING OFFICERS

Corporals, Field Training Officers or Officers of this department, may train the reserves , subject to Reserve Coordinator/Administrative Sergeant approval.

326.4.2 TRAINING REQUIREMENTS

(a) Level I Reserve Police Officers

1. Prior to appointment, all Level I Reserve Police Officers will have completed the basic training course for deputy sheriffs and police officer prescribed by P.O.S.T.In addition, the Reserve Police Officer must complete no less than 400 hours of structured field training approved by the Chief of Police.
2. For level I Reserve Police Officers appointed prior to January 1, 1997, the basic requirement shall be the course that was prescribed at the time of their appointment.
3. All Level I Reserve Police Officers must also complete the Continuing Professional Training (CPT) requirement prescribed by P.O.S.T.
4. All Level I Reserve Police Officers must also complete firearms qualifications and in-service training as required by the department.

(b) Level II Reserve Police Officers

1. Prior to appointment, all Level II Reserve Police Officers will have completed the P.O.S.T. approved Level II and Level III Reserve Police Officer training courses.
2. All Level II Reserve Police Officers must complete a Field Training Checklist. Upon completion, a Level II Reserve Police Officer will be continuously engaged in an “on the job” field training program as required by P.O.S.T.
3. All Level II Reserve Police Officers must also complete the Continuing Professional Training (CPT) requirement prescribed by P.O.S.T.
4. All Level II Reserve Police Officers must also complete firearms qualifications and in-service training as required by the department.

(c) Level III Reserve Police Officers

1. Prior to appointment, all Level III Reserve Police Officers will have completed the P.O.S.T. approved Level III Reserve Police Officers Training Course.
2. All Level III Reserve Police Officers must complete a field-training checklist.
3. All Level III Reserve Police Officers must also complete firearms qualifications and in-service training as required by the department.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

326.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Captain.

326.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Captain, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Captain, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

326.5.2 RESERVE OFFICER MEETINGS/ TRAINING

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

326.5.3 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer with the exception of the word "Reserve" engraved thereon. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

326.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

(a) Uniform Issue

1. One long sleeve shirt
2. One Short sleeve shirt
3. One pair of pants
4. One nylon jacket
5. One dress hat
6. Six San Bruno Police Department uniform patches
7. One uniform belt
8. Four belt keepers

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

326.5.5 INVESTIGATIONS AND COMPLAINTS
If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Field Services Division Captain.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

326.5.6 RESERVE OFFICER EVALUATIONS
While in training reserves will be continuously evaluated using standardized daily observation reports. The reserve will be considered a trainee until all of the training phases have been completed.

Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

326.6 FIREARMS REQUIREMENTS
Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

326.6.1 CARRYING WEAPON ON DUTY
Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty if the reserve possesses a valid CCW.

326.6.2 CONCEALED FIREARMS PROHIBITED
No reserve officer will be permitted to carry a concealed Department issued firearm while in an off-duty capacity. No reserve officer shall be permitted to carry a concealed firearm while off-duty except those reserve officers who possess a valid CCW permit.

Firearms issued to reserve officers shall be kept at the station in a locked, secure container (locker) while not on duty. Reserve Officers may not carry their issued firearm home with them after their shift.

326.6.3 RESERVE OFFICER FIREARM TRAINING
All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

(a) All reserve officers are required to qualify the same as regular officers.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Reserve officers may fire at a department approved range at least once each month and more often with the approval of the Reserve Coordinator

(c) Should a reserve officer fail to qualify, that reserve officer will not be allowed to carry a firearm or work patrol until he/she has reestablished his/her proficiency

326.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Mutual Aid and Outside Agency Assistance

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

327.2 POLICY

It is the policy of the San Bruno 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.

327.3 COUNTY WIDE MUTUAL AID

Any mutual aid requests or notifications shall follow the county protocol. The following link directs to the San Mateo County County-Wide Mutual Aid Channel guidelines, under "Handbook and protocol":

County-wide Mutual Aid Channel Guidelines

327.4 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Watch Commander's office for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued and an "outside assistance report" written by San Bruno Police Department Personnel.

327.5 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Registered Offender Information

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the San Bruno 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.

328.2 POLICY

It is the policy of the San Bruno 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.

328.3 REGISTRATION

The Investigative Services Section supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

328.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

328.4 MONITORING OF REGISTERED OFFENDERS

The Investigative Services Section supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

(c) Contact with a registrant's parole or probation officer.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Any discrepancies should be reported to the California DOJ.

The Investigative Services Section supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to San Bruno Police Department personnel, including timely updates regarding new or relocated registrants.

328.5 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 San Bruno Police Department's website. Information on sex registrants placed on the San Bruno Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records and Communication Supervisor may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

328.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender's full name

(b) The offender's known aliases

(c) The offender's sex

(d) The offender's race

(e) The offender's physical description

(f) The offender's photograph

(g) The offender's date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

328.5.2 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).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Major Incident Notification

329.1 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.

329.2 POLICY

The San Bruno 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.

329.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Command Staff. 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 San Bruno Police Department official
- Arrest of a Department employee or prominent San Bruno Police Department official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths
- Any other situation in the judgement of the on-duty watch commander should be brought to the attention of a Division Captain and the Chief of Police.

329.4 WATCH COMMANDER/WATCH COMMANDER RESPONSIBILITY

The Watch Commander /Watch Commander is responsible for making the appropriate notifications. The Watch Commander /Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander /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.

329.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the appropriate on call command staff member shall be notified.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

329.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

329.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant and or the on call Command Staff Member.

329.4.4 PRESS INFORMATION OFFICER (PIO)

The Press Information Officer (Either Admin. Lieutenant or Field Services Lieutenant) shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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 requested 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

Death reports are required in all cases of noncriminal death, whether by accident, illness, or suicide within the jurisdiction of the San Bruno Police Department. Death reports shall be classified as either "Coroner's Case" or "Attended Death." Attended deaths are those cases where the deceased was being treated by a physician and that the physician is willing to sign a death certificate. Coroner's cases are all other cases of non-criminal death. The coroner shall be contacted regarding all deaths regardless. All death reports shall be routed to ISS for review and further investigation if warranted.

In cases where homicide can not be reasonably ruled out, the Watch Commander shall request the Investigative Services Section to respond and investigate.

330.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, or homicide can not be reasonably ruled out, the Investigations Division shall be notified by the Watch Commander 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 ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

330.2.8 COUNTY PROTOCOL

Officers should familiarize themselves with the following County Protocol:

Deaths to Coroner Reporting Protocol

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Identity Theft

331.1 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.

331.2 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 encourage the victim to report it directly to the law enforcement agency that has jurisdiction of their place of residence or if this is not possible, the officer shall take a courtesy report to be forwarded to the victim's residence agency.

(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 or agency for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Private Persons Arrests

332.1 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.

332.2 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.

332.3 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.

332.4 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

332.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must sign a department issuedcitation under penalty of perjury.

In addition to the citation, officers shall complete a narrative report regarding the circumstances and disposition of the incident. In all cases the citizen making the private persons arrest shall be strongly encouraged to complete a written and signed statement detailing the facts and evidence which support thier claim to make such an arrest.

332.5.1 PRIVATE SECURITY CITIZENS ARREST

Private security (Loss prevention officers) personnel who make an arrest for shoplifting shall complete a written report documenting all the facts. Officers who respond to take custody shall review the report to ensure all the elements of the crime are met. The officers will then complete a department crime report which will also provide a short summary of the incident and refer to the attached security officer's report. This will only be the case for petty theft cases. If the crime is a felony the officer will have to fully document the incident and their subsequent investigation, to include a written and signed statement from the security officer making the original arrest.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Hearing Impaired/Disabled Communications

335.1 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.

335.1.1 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.

335.2 POLICY

It is the policy of the San Bruno 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.

335.3 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 Field Services Division Captain or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the San Bruno Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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 Records 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.

335.4 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

335.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the San Bruno 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.

335.6 TYPES OF ASSISTANCE AVAILABLE

San Bruno 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

335.7 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.

335.8 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).

335.9 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).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

335.10 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.

335.11 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.

335.12 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

335.13 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.

335.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

335.14 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

335.15 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.

335.16 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.

335.17 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

335.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training 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.

335.18.1 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 Dispatch 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Mandatory Employer Notification

336.1 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.

336.2 POLICY

The San Bruno Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

336.3 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.

336.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

336.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

336.3.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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).

336.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

336.4 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).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Public Safety Video Surveillance System

337.1 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.

337.2 POLICY

The San Bruno 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 City 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 City 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.

337.3 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.

337.3.1 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 City 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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 Dispatch. 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 Dispatch 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.

337.3.2 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, and/or placed appropriately and without obstruction to ensure visibility.

337.4 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.

337.4.1 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

337.5 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 City Attorney. 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.

337.5.1 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.

337.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the San Bruno 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 Records and Communications Supervisor for release in accordance with a specific and legitimate law enforcement purpose.

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

337.7 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Child and Dependent Adult Safety

338.1 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.

338.2 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 San Bruno 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.

338.3 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

338.3.1 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.

338.3.2 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)).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

338.3.3 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

338.3.4 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.

338.4 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

338.5 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).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Service Animals

339.1 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).

339.1.1 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)).

339.2 POLICY

It is the policy of the San Bruno 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.

339.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

339.4 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 San Bruno Police Department affords to all members of the public (28 CFR 35.136).

339.4.1 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.

339.4.2 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.

339.4.3 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.

339.4.4 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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Off-Duty Law Enforcement Actions

340.1 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 San Bruno Police Department with respect to taking law enforcement action while off-duty.

340.2 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.

340.3 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 any 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.

340.3.1 TASER

Officers shall not carry or possess their Department issued TASER while off duty

340.4 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:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(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.

340.4.1 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 San Bruno Police Department officer until acknowledged. Official identification should also be displayed.

340.4.2 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.

340.4.3 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.

340.4.4 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.

340.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander immediately. 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Off-Duty Law Enforcement Actions

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Department Use of Social Media

342.1 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).

342.1.1 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

342.2 POLICY

The San Bruno Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

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

342.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

342.4 AUTHORIZED CONTENT

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

342.4.1 INCIDENT-SPECIFIC USE

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

342.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the San Bruno Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

342.5.1 PUBLIC POSTING PROHIBITED

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

342.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

342.7 RETENTION OF RECORDS

The Division Captain should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

342.8 TRAINING

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Gun Violence Restraining Orders

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

343.1.1 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).

343.2 POLICY

It is the policy of the San Bruno 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.

343.3 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).

343.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

(a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.

(b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

343.4 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):

1. A temporary emergency gun violence restraining order.
2. An ex parte gun violence restraining order.
3. A gun violence restraining order issued after notice and hearing.

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.

(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. Forwarding orders to the Records and Communication Supervisor for recording in appropriate databases and required notice to the court, as applicable.
3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

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

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

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

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

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

343.5 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

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

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

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

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records and Communication Supervisor Supervisor, or their designee, for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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.

343.5.1 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 Section for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

343.6 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.

2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner’s presence.

343.7 RECORDS AND COMMUNICATION SUPERVISOR RESPONSIBILITIES

The Records and Communication Supervisor is responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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).

(d) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

343.8 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.

343.9 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.

343.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigative Services Section supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

343.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

343.12 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Native American Graves Protection and Repatriation

344.1 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.).

344.1.1 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.

344.2 POLICY

It is the policy of the San Bruno 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.

344.3 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.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

344.4 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).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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 San Bruno Police Department to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

345.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department support services officer 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 Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

345.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or authorized designee and is responsible for:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) Obtaining department -approved training related to his/her responsibilities.

(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Field Services Division Captain to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Attending City council and other community meetings to obtain information on community relations needs.

(h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

345.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the department

(e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

345.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood Watch and crime prevention programs.

345.7 INFORMATION SHARING

The community relations coordinator should work with the Press Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the Department Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

345.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Along Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Department.

(h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

345.9 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 are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

345.10 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chapter 4 - Patrol Operations

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Patrol Function

400.1 PURPOSE AND SCOPE

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

400.2 POLICY

The San Bruno Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of San Bruno Police Department. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.

(e) Responding to reports of criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

(g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.

(h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

(i) Directing and controlling traffic.

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other divisions or specialized units.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.5 CROWDS, EVENTS AND GATHERINGS

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

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

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

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

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

400.5.1 CAMPUS LIAISON

Skyline College has designated a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the San Bruno Police Department's commitment to policing that is fair and objective.

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

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY

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

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

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

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

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

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

401.4 MEMBER RESPONSIBILITIES

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

401.4.1 REASON FOR CONTACT

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

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

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

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

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

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

401.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Division Captains shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Section Policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Supervisors should ensure that data stop reports are provided to the Records and Communication Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

401.7 ADMINISTRATION

Each year, the Field Services Division Captain should review the efforts of the department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Section.

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Briefing Training

402.1 PURPOSE AND SCOPE

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

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

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

(b) Notifying officers of changes in schedules and assignments

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

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

402.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

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

403.2 POLICY

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

403.3 SCENE RESPONSIBILITY

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

403.4 FIRST RESPONDER CONSIDERATIONS

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

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

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

403.6 EXECUTION OF HEALTH ORDERS

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Hazardous Material Response

405.1 PURPOSE AND SCOPE

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

405.1.1 HAZARDOUS MATERIAL DEFINED

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

405.2 HAZARDOUS MATERIAL RESPONSE

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

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

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

(b) Notify the Fire Department.

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

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

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

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

405.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in a workers comp form that shall be forwarded via chain of command to the appropriate Division Captain. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the form.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

405.3.1 SUPERVISOR RESPONSIBILITY

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

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

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

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

(a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

(b) Unlawfully held against his/her will under threat or actual use of force.

406.2 POLICY

It is the policy of the San Bruno Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

406.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

(a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),

(b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

(c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).

(d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.

(e) The contents of any oral communications overheard are recorded on tape or other comparable device.

406.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer (PIO).

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

406.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the department Press Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

406.6 CRU RESPONSIBILITIES

The Incident Commander will decide, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CRU. The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Animal Control

408.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

408.2 POLICY

It is the policy of the San Bruno Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

408.3 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include:

(a) Animal-related matters during periods when Animal Control is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

408.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

408.5 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

408.6 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

408.6.1 VETERINARY CARE

The injured animal should be taken to a veterinarian as follows:

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

(c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

408.6.2 INJURED WILDLIFE

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

408.6.3 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

(a) Make a reasonable effort to locate the owner before entering the vehicle.

(b) Take steps to minimize damage to the vehicle.

(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.

(e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

(f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

408.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

408.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

The San Bruno Police Department Bite Procedure is located at the end of this policy.

408.9 STRAY DOGS

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

408.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

408.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

The San Bruno Police Department Procedure for barking dogs is at the end of this policy.

408.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

408.13 AGENCY SPECIFIC PROCEDURES

408.13.1 DOG BITE PROCEDURE

Officers from both the Peninsula Humane Society and the San Bruno Police Department should be summoned to the scene of a dog bite incident.

(a) San Bruno Police Department officers responding to the scene of the dog bite resulting in significant injury or involving criminal behavior shall complete a police report as well as the below referenced "Dog Bite Report" which contain the victim's information, and a description, and photos of any injury as well as the following:

1. The dog owner's information.
2. A description of the circumstances surrounding the incident.
3. A description of the dog.
4. The action taken by the Humane Society Officer.

For basic dog bites with no or minimal injury the following shall apply:

- Make sure that all information for the victim(s), the owner(s) of the animal and witnesses are attached to the call.
- Enter brief CAD notes regarding what occurred and the level of injury (if any) you observed.
- Complete the one-page Animal Bite Report form
  - Hard copies are located in report writing drawer under “Dog Bite Reports”.
  - You can also access a print and fill version on the web at https://www.smchealth.org/sites/main/files/file-attachments/animal_bite_report_form_2017_1.pdf?1530832434
  - Fax the report to the PHS number on the form the same day.
  - Have the report scanned to the RIMS CAD.

408.13.2 BARKING DOG COMPLAINTS

(a) Barking dog complaints are handled uniformly throughout San Mateo County.Such complaints are handled as follows:

1. San Bruno Police Department officers will respond to the initial three barking dog complaints, noting the following information in the CAD entry:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) Whether or not the dog was heard to be barking by the officer

(b) What effort was made to advise the owner of the complaint (personal contact, note left, etc.)

2. After the third response to the same location, where the owner has been advised and the dog has been verified barking, the following will occur:

(a) A "barking Dog Complaint County-wide Reporting Form" shall be completed by the responding officer.

(b) All prior CAD entries will be attached to the complaint form.

(c) A copy of the form shall be forwarded to the Humane Society, via mail or fax.

(b) A member of the Humane Society will investigate the complaint utilizing the following procedure:

1. Contact the animal owner, via mail or by telephone within 48 hours of receipt of our report.

2. An officer from the Humane Society will also appear at the residence within five days of receiving the completed form.

3. The "Barking Dog Complaint County-Wide Reporting Form" will be returned to the San Bruno Police Department with documentation as to the steps taken to correct the problem.The returned form will be attached to the original form.

4. Receipt by the Humane Society of three or more such referrals, constitute a "chronic barking complaint." Actions taken by the Humane Society on a "Chronic Barking Complaint" may include:

(a) Referral to mediation

(b) Issuance of a citation

(c) Member of the Peninsula Humane Society are prohibited from impounding an animal from private property unless in the possession of a warrant.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Ride-Along Policy

409.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

409.1.1 ELIGIBILITY

The San Bruno Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

409.1.2 AVAILABILITY

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

409.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Administrative Sergeant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California Driver License, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Administrative Sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, the Admin Sergeant will contact the applicant and advise him/her of the denial.

409.2.1 PROGRAM REQUIREMENTS (SOP)

Once approved, a civilian ride-along will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police explorers are covered in Policy Manual § 1048, Police Explorers"

Ride-along times and hours are based on the age of the individuals:

Age	Hours	Conclude by
Under 18	4	2200
18 -over	8	2300

The hours can be increased or decreased at the discretion of the on-duty Watch Commander.

409.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The shift Watch Commander may refuse a ride along to anyone not properly dressed.

409.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the shift Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

409.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the San Bruno Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The Admin Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the ride-along form shall be returned to the Admin Sergeant with any comments which may be offered by the officer.

409.4 CONTROL OF RIDE-ALONG

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

(a) The ride-along will follow the directions of the officer

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

(c) The ride-along may terminate the ride at any time and the officer may return the observer to the station if the ride-along interferes with the performance of the officer's duties

(d) Ride-alongs are not allowed to continue riding during the transportation and booking process.

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Mental Illness Commitments

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

410.2 POLICY

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

410.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person

(b) A family member

(c) The person subject to the determination or anyone designated by the person

410.3.1 VOLUNTARY EVALUATION

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

(a) Request that the SMART car or ambulance respond to take the person to an appropriate facility.

(b) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.

(c) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

410.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

410.5 TRANSPORTATION (SOP)

The officer should always utilize the SMART car for voluntary committals. If not available, the officer may transport an individual on a voluntary 5150 commitment. The transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

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

410.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

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

410.7 DOCUMENTATION

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

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

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

410.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

(a) The officer's name and agency.

(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.

(c) The name of the facility to which the person is being taken.

(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

410.8 CRIMINAL OFFENSES

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

410.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

410.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigative Services Section, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

410.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

410.11 AGENCY SPECIFIC CONTENT

The following sections represent content which is additional to the Lexipol content and specific to the San Bruno Police Department

410.12 RETURN OF CONFISCATED FIREARMS AND WEAPONS (SOP)

(a) In any case wherein a firearm is seized from an individual committed pursuit to 5150 W&I, the watch commander should make a determination as to whether the return of the firearm would be likely to result in endangering the person or others. If such a determination is made, a copy of the commitment along with a cover memorandum shall be forwarded to the City Attorney within 72 hrs, to insure that a timely filing of a petition in the superior court is made for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.

(b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the City Attorney shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).

(c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 12021.3(e).

(e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 12021.3(g)).

410.13 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form and provide it to the transport member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. If necessary, the officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

410.14 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit if parked in a secure area.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Cite and Release Policy

411.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

411.2 POLICY

It is the policy of the San Bruno Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

411.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private persons arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

411.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

411.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

411.4 NON-RELEASE

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

411.4.1 DISQUALIFYING OFFENSES

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

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))

(b) Felony domestic battery (Penal Code § 273.5)

(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))

(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)

(e) Rape of a spouse (Penal Code § 262)

(f) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)

(g) Stalking (Penal Code § 646.9)

(h) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

411.4.2 REASONS FOR NON-RELEASE

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

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

(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety

1. The San Bruno Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).

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

  (a) If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form along with a photo of the person.

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

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

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

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

  (a) Previous failure to appear is on record

  (b) The person lacks ties to the area, such as a residence, job, or family

  (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

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

411.5 MISDEMEANOR WARRANTS

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

(a) The misdemeanor cited in the warrant involves violence.

(b) The misdemeanor cited in the warrant involves a firearm.

(c) The misdemeanor cited in the warrant involves resisting arrest.

(d) The misdemeanor cited in the warrant involves giving false information to a peace officer.

(e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.

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

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

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

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

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

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

411.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the San Bruno Police Department City codes
- Certain drug offenses

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the San Bruno Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY

The San Bruno Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

412.3 CLAIMS OF IMMUNITY

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

(a) Notify a supervisor.

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

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

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

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

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

412.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention and shall begin the notification process. (Penal Code § 834c).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

412.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

412.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Rapid Response and Deployment

413.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

413.2 POLICY

The San Bruno Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

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

413.3 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

413.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

413.5 PLANNING

The Administrative Lieutenant and/or their designee should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

413.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Immigration Violations

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the San Bruno Police Department relating to immigration and interacting with federal immigration officials.

415.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

415.2 POLICY

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

415.3 VICTIMS AND WITNESSES

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

415.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

415.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

415.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

415.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Transfer the person to jail.

415.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

415.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

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

415.7.1 IMMIGRATION DETAINERS

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

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

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

(b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.

(c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(d) The individual is a current registrant on the California Sex and Arson Registry.

(e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

415.7.2 NOTICE TO INDIVIDUALS

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

If the San Bruno Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

415.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the San Bruno Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

415.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

415.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigative Services Section supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records and Communication Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2) (see the Records Section Policy).

415.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigative Services Section supervisor assigned to oversee the handling of any related case. The Investigative Services Section supervisor shall:

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

(b) If the case was prosecuted by the DDA, forward the U visa directly to the San Mateo County District Attorney for disposition. If the case was declined by the DDA or if not filed with DDA, the U visa shall be completed by the ISS Supervisor.

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

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

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

415.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

415.8.2 REPORTING TO LEGISLATURE

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

415.8.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

415.9 TRAINING

The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

415.10 AGENCY SPECIFIC CONTENT

The following content is specific to the San Bruno Police Department and is in addition to the Lexipol content outlined above.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

415.10.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

415.10.2 SWEEPS

The San Bruno Police Department does not conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

415.10.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.

Members of this department shall not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety.

Any detention by a member of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

415.10.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

415.10.5 ARREST

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances). A field supervisor shall approve all such arrests.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

415.10.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail. A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

415.10.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT

Whenever an officer has reason to believe that any person arrested for any offense listed in Health& Safety Code §11369 or any other felony may not be a citizen of the United States and the individual is not going to be booked into county jail, the arresting officer shall cause ICE to be notified for consideration of an immigration hold.

Generally, officers will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented aliens who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Emergency Utility Service

416.1 PURPOSE AND SCOPE

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

416.1.1 BROKEN WATER LINES

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

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

416.1.2 ELECTRICAL LINES

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

416.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

416.1.4 EMERGENCY NUMBERS

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

416.2 TRAFFIC SIGNAL MAINTENANCE

The City of San Bruno contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of California.

416.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Field Training Officer Program

417.1 PURPOSE AND SCOPE

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

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

417.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

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

417.2.1 SELECTION PROCESS

FTO's will be selected based on the requirements set forth in the Intra-Departmental Assignment Policy.

417.2.2 TRAINING

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

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

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

417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Administrative Sergeant will supervise the FTO Program. The Administrative Sergeant should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs

(b) Conduct FTO meetings

(c) Maintain and ensure FTO/trainee performance evaluations are completed

(d) Maintain, update, and issue the Field Training Manual to each trainee

(e) Monitor individual FTO performance

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(f) Monitor overall FTO Program

(g) Maintain liaison with FTO coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for FTOs

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

417.4 TRAINEE DEFINED

Any entry level, pre-trained or lateral police officer newly appointed to the San Bruno Police Department who has successfully completed a POST approved Basic Academy.

417.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 16 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight (8) weeks. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

417.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the San Bruno Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the San Bruno Police Department.

417.6 EVALUATIONS

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

417.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee and complete a final evaluation on the trainee.

417.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

417.6.3 FIELD TRAINING ADMINISTRATOR

The Administrative Sergeant will review and approve the Daily Trainee Performance Evaluations as well as the periodic Phase Evaluation Reports submitted by the FTO through his/her immediate supervisor.

417.7 DOCUMENTATION

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

(a) Daily Trainee Performance Evaluations

(b) End-of-phase evaluations

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Obtaining Air Support

418.1 PURPOSE AND SCOPE

The use of a police Aircraft can be invaluable in certain situations. This policy specifies potential situations where the use of a aircraft may be requested and the responsibilities for making a request.

418.2 REQUEST FOR AIRCRAFT ASSISTANCE

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

418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a aircatft, the Watch Commander, or his/her designee, will call the closest agency having aircraft support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

418.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police aircraft may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of aircraft may reduce such hazard

(c) When the use of the aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When an aircraft is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

(e) Vehicle pursuits

(f) Assistance with survailance or search warrants.

While it is recognized that the availability of aircraft support will generally provide valuable assistance to ground personnel, the presence of an aircraftr will rarely replace the need for officers on the ground.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Contacts and Temporary Detentions

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

419.2 POLICY

The San Bruno Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

419.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the San Bruno Police Department to strengthen community involvement, community awareness, and problem identification.

419.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act

(b) Actions suggesting that he/she is engaged in a criminal activity

(c) Presence in an area at an inappropriate hour of the day or night

(d) Presence in a particular area is suspicious

(e) Carrying of suspicious objects or items

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon

(g) Location in proximate time and place to an alleged crime

(h) Physical description or clothing worn that matches a suspect in a recent crime

(i) Prior criminal record or involvement in criminal activity as known by the officer

419.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officershould be positioned to ensure safety and should not be involved in the search.

419.5 FIELD PHOTOGRAPHS

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

419.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

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

419.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

419.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

419.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

419.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

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

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

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

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Criminal Organizations

420.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the San Bruno Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

420.2 POLICY

The San Bruno Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

420.3 CRIMINAL INTELLIGENCE SYSTEMS

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

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

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

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

420.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records and Communication Supervisor may not purge such documents without the approval of the designated supervisor.

420.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Section after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

It is the responsibility of the Records Section supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

420.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

420.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Property, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Dispatch records or booking forms.

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

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

420.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

420.5 INFORMATION RECOGNITION

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

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

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

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

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

(d) Information related to an illegal gambling operation.

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

420.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

420.7 CRIMINAL STREET GANGS

The Investigative Services Section supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:

1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

420.8 TRAINING

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

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

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

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

(e) The review and purging of temporary information files.

420.8.1 SHARED GANG DATABASE TRAINING

The Training Manager should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Watch Commander

421.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

421.2 DESIGNATION AS ACTING SHIFT SERGEANT

When a Sergeant is unavailable for duty as Watch Commander/Watch Commander, in most instances a qualified corporal shall be designated as acting Watch Commander.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Mobile Data Terminal Use

422.1 PURPOSE AND SCOPE

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

422.2 PRIVACY EXPECTATION

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

422.3 POLICY

San Bruno Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

422.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

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

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

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

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

422.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

422.5 DOCUMENTATION OF ACTIVITY

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

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

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

422.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident.

422.5.2 EMERGENCY ACTIVATION***** CURRENTLY DEACTIVATED

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

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

This feature has been DEACTIVATED. However the policy will remain as a placeholder in the event that it is determined necessary to reactivate this feature.

422.6 EQUIPMENT CONSIDERATIONS

422.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

422.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Portable, Mobile Audio/Video Recorders

423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by Members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems, including body worn cameras (BWC), in-car mobile audio/video systems (MAV), systems integrated into portable equipment, etc.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes (see the Investigation and Prosecution policies).

423.2 POLICY

The San Bruno Police Department will provide Members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between Members of the Department and the public. These devices, however, are not designed to record and monitor every activity or statement made by a Member while on duty. The goal of this policy is to ensure that important, relevant police interactions are recorded and preserved, while respecting the reasonable privacy concerns of both Members and the public.

423.3 MEMBER PRIVACY EXPECTATION

All recordings made by Members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

Members shall be provided with at least 30 days of notice if recordings that were either made by them or captured their image or voice, are to be used for department-wide formalized training purposes. This section shall not preclude supervisors from using recordings with their teams for performance improvement purposes.

423.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed Member will be responsible for making sure that he/she is equipped with a body worn camera (BWC) issued by the Department, and that the BWC is in good working order. If the BWC is not in working order or malfunctions at any time, the Member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable.

Prior to going into service, each uniformed Member making use of a marked patrol vehicle will be responsible for making sure that the mobile audio/video recorder (MAV) for their vehicle is in good working order. If the MAV is not in good working order or malfunctions at any time, the Member

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

shall promptly report the failure to his/her supervisor and attempt to switch to a vehicle with a properly functioning MAV, as long as one is available, and as soon as practicable.

The BWC should be worn above the midline of the torso, in a position that provides for effective recording without foreseeable obstructions.

BWC recording alert settings such as the audible beep, the volume of the audible beep, and the vibrate mode can be set or disengaged at the Member's discretion.

Any Member assigned to a non-uniformed position may carry an approved BWC at any time the Member believes that such a device may be useful.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the Member deactivated the recording, or any instance in which the recorder was not used but probably should have been used under this policy. In this documentation, Members should include the reason for deactivation or non-use.

When not in use, BWC devices shall be stored in a designated docking/charging station.

423.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio/video recording device, or ensure the recording is uploaded and saved, as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death, or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

423.5 ACTIVATION OF THE PORTABLE RECORDER (BWC)

This policy is not intended to describe every possible situation in which a BWC device should be used, although there are many situations where its use is appropriate.

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

Private citizens do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence. Therefore, officers are not required to give notice they are recording. However, if asked, officers shall advise citizens that they are being recorded.

Officers are not required to initiate or cease recording an event, situation or circumstance solely at the demand of a citizen.

Members shall activate their BWC device, and keep it activated, throughout the duration of any of the following situations, whether dispatched or self-initiated:

a) Contact, or anticipated contact, with Members of the public
b) Investigation of suspicious persons, vehicles or circumstances
c) Investigation of any suspected criminal activity

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

d) Any activation of emergency vehicle lights (Code 2 or Code 3)
e) Any vehicle pursuit
f) All searches, including: consent, probation, parole, search warrants, etc.
g) Any other circumstance where the Member believes that a recording would be appropriate or valuable to document an incident or contact

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the Member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by Members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue.

Examples of instances when the use of BWC's could create a privacy issue include, but are not limited to, the following:

a) BWC's shall not be used to record activities such as pre-shift conferences, briefings, or other activities not related to a potential criminal investigation.
b) BWC's should not be activated in locker rooms, dressing rooms, or restrooms, unless necessary as part of an official law enforcement investigation.
c) When possible, officers should avoid recording exposed areas of the body that could cause embarrassment or humiliation, such as exposed breast, groin, etc.
d) Officers generally should not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment, unless there is a compelling reason why doing so is warranted (such as with violent or combative subjects). This includes during clinician interviews.
e) Officers shall be aware of patients' rights to privacy when in hospital settings. When recording in hospitals and other medical facilities, officers should make every reasonable effort to avoid recording persons other than suspects of their investigation.
f) Officers shall not record while in a facility whose primary purpose is to provide psychiatric services unless responding to a radio call involving a suspect who is still present or while transporting and processing a patient on a mental health hold.
g) BWC's shall not be used to record non-work related activity.
h) BWC's shall not be used during Department administrative investigations.
i) Members shall not be required to activate BWC's when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g. spouse, attorney, police peer counselor, labor representative, minister, FTO/trainee, strategy and tactics discussions, private or public meetings, etc.).

At no time is a Member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in accordance with this policy, as soon as practicable.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

423.5.1 MUTING OF THE BWC AUDIO

Generally, department personnel should not mute the audio recording function during an active recording on their BWC. Under certain circumstances, however, it may be necessary for department personnel to do so, in order to protect sensitive communications. Department personnel may use the muting function during brief conversations regarding strategy or tactics. Department personnel may also use this function if necessary to protect the identity of victims, witnesses, informants, undercover officers, or other persons involved in the investigation. If the muting function will be used in a recording that is ultimately logged as evidence in a case, the reason for that muting shall be verbally announced on the recording BEFORE applying the muting function.

423.5.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the Member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department Member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

423.5.3 CESSATION OF RECORDING

Once activated, the BWC and MAV should remain on continuously until the Member's direct participation in the incident is complete or the situation no longer fits the criteria for activation.

Exceptions are as follows:

a) During significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

b) To protect the anonymity of a previously identified and registered confidential informant, confidential source, undercover officer, or confidential investigative techniques.

c) When it is necessary to discuss confidential issues, training or supervisory issues, union activities or confidential investigative techniques.

d) Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

e) Within a hospital or medical facility if the recording would compromise patient confidentiality.

f) When entering places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms, unless necessary as part of an official law enforcement investigation.

g) When someone reporting a crime requests that the recording be stopped so that they may remain anonymous.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

If recording is temporarily stopped under these circumstances, Members should reactive recording as soon as possible, provided that the incident has not concluded.

423.5.4 EXPLOSIVE DEVICE
Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used when detailed to a bomb call, a suspicious package call, a call where an explosive device may be present or a call where an officer reasonably believes an explosive device may be present.

423.6 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated, or whenever a Member's BWC is activated and is within close range of the MAV. The system remains on until it is turned off manually.

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the MAV system should be activated in any of the following situations:

a) All field contacts involving actual or potential criminal conduct within video or audio range, such as:

i. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
ii. Priority responses
iii. Vehicle pursuits
iv. Suspicious vehicles
v. Arrests
vi. Vehicle searches
vii. Physical or verbal confrontations or use of force
viii. Pedestrian checks
ix. DWI/DUI investigations including field sobriety tests
x. Consensual encounters
xi. Crimes in progress
xii. Responding to an in-progress call

b) All self-initiated activity in which an officer would normally notify Dispatch

c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

i. Domestic violence calls
ii. Disturbance of peace calls
iii. Offenses involving violence or weapons

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

423.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Any Member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Members are prohibited from using personal computer equipment and software programs when making copies of digital evidence. Using a secondary recording device such as video camera, cell phone or other device to record or capture digital evidence from Evidence.com is strictly prohibited.

Recordings shall not be used by any Member for the purpose of embarrassment, intimidation or ridicule.

423.7.1 USE OF BWC'S WITHIN THE POLICE DEPARTMENT PREMISES

In an effort to better ensure the privacy of department members, as well as to better protect confidential and privileged information, BWC’s generally should not be worn within the police department premises. The primary docking stations for all department BWC’s will be installed immediately inside the rear entrance/exit. Upon entering the station, department members should remove their BWC from their uniform, turn it off, and place it into their designated docking port. BWC’s should only be worn inside of the police department when needed as part of an active police contact or investigation.

423.7.2 DESIGNATED "NO CAMERA ZONES"

There are several locations, areas and situations that are designated as “No Camera Zones”. Except under specific circumstances justifying otherwise, BWC’s are to be removed prior to entering any “No Camera Zone”.

The following locations, areas and situations are established as “No Camera Zones”: This is not intended to serve as a complete list of all locations, areas and situations in which it is not

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

appropriate to wear a BWC, but rather to establish some specific circumstances under which BWC's should not be worn:

a) Locker rooms
b) Restrooms
c) Briefing/Training rooms
d) Lunch/Break rooms
e) Report writing rooms
f) Watch Commander's Office
g) Meetings with other department or City personnel
h) Courtrooms
i) Meetings with District Attorney's Office personnel

423.7.3 BWC'S WITHIN COUNTY JAIL FACILITIES
When booking an arrestee into a County Jail, officers should generally continue recording via the BWC until they enter intake. Recording should continue while in the sally port and pre-booking areas. In the event that jail staff returns custody of the arrestee to the officer, the officer should restart recording at that time.

423.7.4 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM
The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

423.8 RETENTION OF RECORDINGS
Any time a Member records any portion of a contact that the Member reasonably believes constitutes evidence in a criminal case, the Member shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report. Transfers should occur at the end of the Member's shift, or any time the storage capacity is nearing its limit.

It is the responsibility of the assigned employee to upload all audio/video recordings taken during the shift to the appropriate server before going off-duty unless permission has been approved by a supervisor. All audio/video recordings taken during the shift should be uploaded prior to an employee going off duty. Time taken for uploading these recordings after normal duty hours must be approved by a supervisor and will be compensated in accordance with the department overtime policy.

Any time a Member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the Member should promptly notify a supervisor of the existence of the recording.

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

a) Incident involving use of force by an officer
b) Officer-involved shootings

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

c) Incidents that lead to the detention or arrest of an individual
d) Recordings relevant to a formal or informal complaint against an officer or the San Bruno Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than one year.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

423.9 REVIEW OF RECORDINGS

When preparing written reports, Members should review their recordings as a resource. However, Members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the Member's performance. It is not the purpose of this policy for supervisors to review recordings with the intent to find policy violations.

Recorded files may also be reviewed:

a) Upon approval by a supervisor, by any Member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
c) By media personnel or any Member of the public with permission of the Chief of Police or the authorized designee, with reasonable notification to the involved officers, and in accordance with this policy.
d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

423.10 COORDINATOR

The Chief of Police or the authorized designee shall appoint a Member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

a) Establishing a system for downloading, storing and security of recordings.
b) Designating persons responsible for downloading recorded data.
c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
d) Establishing a system for tagging and categorizing data according to the type of incident captured.
e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
g) Maintaining logs of access and deletions of recordings.

423.11 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

Whenever practicable, Members shall receive at least 24 hours notification before any footage or audio is provided subject to a California Public Records Act request.

423.12 TRAINING

Prior to issuance of a BWC or MAV, Members shall receive:

a) Training on operation, maintenance and care;
b) Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policies or equipment;
c) Training on mandatory, discretionary and non-permissible uses of BWC's and MAV's;
d) Periodic training on significant changes in the law pertaining to legal developments. Members are encouraged to speak to their supervisors if they believe additional training would enhance the performance of their duties.

423.13 DOCKING OF BWC’S WHEN OFF-DUTY

All department personnel are to keep their BWC’s in their designated docking station at the police department when off-duty. BWC’s are not to be taken home with department personnel and are not to be kept in other storage areas such as lockers or mailboxes. When not being worn on-duty for official police business, BWC’s should always be kept in their designated docking stations.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Medical Marijuana

424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

424.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

424.2 POLICY

It is the policy of the San Bruno Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The San Bruno Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

424.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a cardholder.

(c) Investigations when a medicinal claim is made by a non-cardholder.

424.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

424.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.

(b) The card has been obtained or used by means of fraud.

(c) The person is otherwise in violation of the provisions of the MMP.

(d) The person possesses marijuana but not for personal medical purposes.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

424.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

424.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

424.3.5 EXCEPTIONS

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

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

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

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

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

424.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

424.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

424.5 PROPERTY SUPERVISOR RESPONSIBILITIES

The Property supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigative Services Section supervisor.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Bicycle Patrol Unit

425.1 PURPOSE AND SCOPE

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

425.2 POLICY

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

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

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Field Services Division Lieutenant or on duty Watch Commander.

425.3 TRAINING

Officers must satisfactorily complete a Department P.O.S.T. approved training program on patrol bicycle-riding and bicycle safety prior to being assigned bicycle duties.

At the directions of the Rangemaster, Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

425.4 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear (black, athletic or bicycle shoe).

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Jackets may be used in colder wweather. Turtleneck shirts, sweaters, or long sleeved "compression" style shirts (may only be black or dark navy blue in color) are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

425.5 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, one battery and a charger.

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

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a traffic vest, first aid kit, tire pump, repair tools, tire tubes, security lock (duty handcuffs can be used), equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to a program coordinator for repair by an approved technician.

Each bicycle will have scheduled maintenance to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle coordinator, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

425.6 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

(a) In response to an emergency call.

(b) While engaged in rescue operations.

(c) In the immediate pursuit of an actual or suspected violator of the law.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

County Park Enforcement (SOP)

426.1 PURPOSE

T he purpose is to provide procedures for law enforcement services within Junipero Serra County Park.

426.2 POLICY

To ensure the the members of the San Bruno Police Department are aware of and familiar with the responsibilities of police services for the County Park so they may better serve the public.

426.3 RESPONSIBILITY FOR POLICE SERVICES

(a) Responsibility to provide police services within the Junipero Serra County Park rests with the San Bruno Police Department. San Mateo County maintains a proprietary interest in the park, but the City of San Bruno maintains law enforcement jurisdiction. Therefore, enforcement actions including traffic and municipal code violations, investigation of vehicle accidents and other calls for services within the park shall be handled in accordance with all applicable Departmental policies and procedures.

(b) The County operates the park through the San Mateo County Parks and Recreation Department. A staff of County employees is assigned to the park to ensure its efficient operation. It is the responsibility of these employees to make reports on non-criminal incidents, such as a fall victim with injury, occurring within the park.

(c) In the event of such non-criminal occurrences, when park employees are on-duty, members of this department shall render whatever assistance necessary to enable the park employees to complete a thorough investigation and report. No formal report will be required of this department.

(d) In the event of such non-criminal occurrences, when NO park employee is on-duty, members of this department shall conduct a proper investigation and complete a report just as if the incident had occurred on city property. The Records Section shall ensure a copy of the report is promptly forwarded to the San Mateo County Parks and Recreation Department.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Automated License Plate Readers (ALPRs)

427.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition,provides automated detection of license plates. ALPRs are used by the San Bruno PoliceDepartment to convert data associated with vehicle license plates for official law enforcementpurposes, including identifying stolen or wanted vehicles, stolen license plates and missingpersons. ALPRs may also be used to gather information related to active warrants, homelandsecurity, electronic surveillance, suspect interdiction and stolen property recovery.

427.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Police Department. The appropriate Division Captain will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

427.2.1 ALPR ADMINISTRATOR

The appropriate Division Captain shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.(f) Working with the Custodian of Records and Northern California Regional Intelligence Center on the retention and destruction of ALPR data.

(g) Ensuring the ALPR usage and privacy policy is posted on the Department's website.

427.3 OPERATIONS

officer

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminalinvestigation. Reasonable suspicion or probable cause is not required before using anALPR.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) While an ALPR may be used to canvass license plates around any crime scene, particularconsideration should be given to using ALPR-equipped cars to canvass areas aroundhomicides, shootings and other major incidents. Partial license plates reported during majorcrimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
(d) No member of this department shall operate ALPR equipment or access ALPR data withoutfirst completing department-approved training. A list of authorized users is maintained.
(e) No ALPR operator may access department, state or federal data unless otherwiseauthorized to do so.
(f) If practicable, the officer should verify an ALPR response through the California LawEnforcement Telecommunications System (CLETS) before taking enforcement action thatis based solely on an ALPR alert.
(g) Use of an ALPR will be limited to department members who are sworn peaceofficers, Community Service Officers, Parking Enforcement Officers, Dispatchers or Records Staff. . Information Technology staff may use an ALPR only for the purpose of repairing and/or ensuring proper functionality.

427.4 DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the San Bruno PoliceDepartment and because such data may contain confidential CLETS information, it is not opento public review. ALPR information gathered by this department may be used and shared withprosecutors or others only as permitted by law.
All ALPR data collected by the San Bruno Police Department is electronically sent to theNorthern California Regional Intelligence Center. The San Bruno Police Department does notstore any ALPR data. ALPR records with no connection to a criminal investigation for no longer than 12 months. Once the retention period has expired, the record is purged from the database unless a reasonable suspicion has been established that the vehicle identified by the ALPR read is connected to criminal activities.

427.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The San Bruno Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

For security or data breaches, see the Records Release and Maintenance Policy.

427.6 POLICY

The policy of the San Bruno Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

427.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the appropriate Division Captain or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

427.8 TRAINING

The Training Manager should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Homeless Persons

428.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The San Bruno Police Department recognizes that members of the homeless community are often in need of special protection and services. The San Bruno Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

428.1.1 POLICY

It is the policy of the San Bruno Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

428.2 HOMELESS COMMUNITY LIAISON

The Support Services Officer is also assigned to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

428.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

428.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Ask for their cellular phone number and add to their RIMS file.

(b) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(c) Document places the homeless person may frequent.

(d) Provide homeless victims with victim/witness resources when appropriate.

(e) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

(f) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult Abuse Policy.

(g) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(h) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

428.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from an encampment in a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted, and the Homeless Community Liaison notified. The property should be photographed and measures should be taken to remove and secure the property in the City approved storage container. It will be the supervisor’s responsibility to

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

coordinate the removal and safekeeping of the property with the Homeless Community Liaison Officer. *These items must be stored for 90 days prior to disposal.*

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisorOfficer or the Homeless Community Liaison. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Community Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform their supervisor/ Homeless Community Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint.

428.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

428.6 HOMELESS ENCAMPMENT EVICTION PROCEDURES

1) On City Property:

a) Once you become aware of an encampment, you should advise the person(s) staying there, that they need to vacate the area. Make sure to offer them the appropriate services listed in this policy.
b) Contact Life Moves to let them know of the pending eviction, so that they can follow up with the person(s) and offer them services again.
c) If we learn that they have not vacated within a reasonable amount of time the eviction process should begin as soon as possible, so that it does not grow into a larger encampment.
d) Establish a clean-up date with the appropriate department (streets or parks)
e) Post the "Notice of Trespass" form and the "Notice to Vacate Illegal Campsite" form at encampment location. (72 hours prior to arranged clean-up date and time)
f) Take photographs of the forms posted at the camp.
g) 72 hours later streets/parks completes clean-up. If a subject is on site upon their arrival SBPD Officers should gain the persons compliance to leave. If the person refuses the Officer should follow 602 (m) PC, and 647(e) PC protocols.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

h) Property that is determined to be debris will be thrown away & the personal property that appears to have been left behind will be collected by streets/parks and stored at the San Bruno Corporation Yard for a minimum of 90 days.

i) If any personal property was removed, a Notice of Removal form shall be posted.

j) Take a photograph of the Notice of Removal form posted at the camp.

2) Non City Property:

a) Once you become aware of an encampment, you should advise the person(s) staying there, that they should vacate the area. Make sure to offer them the appropriate services listed within this policy.

b) Contact Life Moves to let them know of the encampment, so that they can follow up with the person(s) and offer them services again.

c) If we learn that they have not vacated within a reasonable amount of time the property owner should be made aware of the encampment, so that they can begin the eviction process as soon as possible.

d) Assist the property owner through the proper steps for the eviction process, if necessary. The property owner is responsible for making/posting their own forms, and storing any personal property.

428.7 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

428.8 RESOURCES

Life Moves: 650-685-5880
St. Bruno's Church: 650-588-2121
Safe Harbor: 650-873-4921
First Chance: 650-689-5597
Swords to Plowshares: (Military or ex-military only) 510-844-7500
SSF Salvation Army: 650-266-4591
Local Travelers Aid: 510-444-6834
Department of Public Health: 650-573-2222
San Mateo County Environmental Health: 650-372-6200
CALTRANS District 4: 510-286-6359

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Public Recording of Law Enforcement Activity

429.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

429.2 POLICY

The San Bruno Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

429.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

429.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

429.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

429.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Crisis Intervention Incidents

430.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

430.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

430.2 POLICY

The San Bruno Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

430.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

430.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Support Services Officer is designated to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

430.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

    1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(k) If circumstances reasonably permit, consider and employ alternatives to force.

430.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

430.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

430.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Captain.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

430.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

430.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

430.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

430.11 EVALUATION

The Division Captain designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

430.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

First Amendment Assemblies

431.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

431.2 POLICY

The San Bruno Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

431.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets, or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of an individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life, and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones, or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

431.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS
Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders, and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

431.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets, or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until incident command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

431.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

431.5.1 INFORMATION GATHERING AND ASSESSMENT
In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

431.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles, and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief, and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(t) Parameters for the use of body-worn cameras and other portable recording devices.

431.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

431.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area, and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

DISPERSAL ORDER:

"I am Officer/Sergeant _____ of the San Bruno Police Department. I am declaring this an unlawful assembly and order you to leave this (Area or Place)immediately. If you do not leave, you will be arrested for failure to disperse."

431.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

431.8 ARRESTS

The San Bruno Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

431.9 MEDIA RELATIONS

The Press Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

431.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

431.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

431.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

431.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Civil Disputes

432.1 PURPOSE AND SCOPE

This policy provides members of the San Bruno Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

432.2 POLICY

The San Bruno Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

432.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

432.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

432.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

432.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

432.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Civil Disputes

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Suspicious Activity Reporting

433.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

433.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

433.2 POLICY

The San Bruno Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

433.3 RESPONSIBILITIES

The Investigation Division Captain and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Division Captain include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

433.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare an incident report and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in an incident report and not included in the original crime report. The report number of the original incident should be included in the incident report as a cross reference.

433.5 HANDLING INFORMATION

The Records Section will forward copies of these reports, in a timely manner, to the following:

- Investigative Services Section supervisor
- Northern California Regional Intelligence Center (NCRIC)
- Other authorized designees

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Medical Aid and Response

434.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

434.2 POLICY

It is the policy of the San Bruno Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

434.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

434.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

434.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

434.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

434.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

434.7.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

434.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

434.7.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

On a weekly basis, the Vehicle Maintenance Officer along with the Fire Department is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

434.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

434.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

434.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in the associated report as well as in the San Mateo County Law Enforcement Naloxone Reporting Form.

The Records and Communication Supervisor is responsible for ensuring that the reporting form is forwarded to the required county authority, as well as scanned into the associated RIMS report as an attachment.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

434.8.3 OPIOID OVERDOSE MEDICATION TRAINING
The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

434.8.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION
The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

434.8.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT
Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

434.9 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.

434.10 FIRST AID TRAINING

The Training Manager should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Aircraft Accidents

435.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

435.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

435.2 POLICY

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

435.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

435.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

435.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

435.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

435.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) Fluids, batteries, flares and igniters.

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

435.8 DOCUMENTATION

All aircraft accidents occurring within the City of San Bruno shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of SBPD members deployed to assist; other City resources that were utilized; and cross-reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

435.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

435.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

435.9 MEDIA RELATIONS

The Press Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chapter 5 - Traffic Operations

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the San Bruno Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions may be considered in each situation, especially in the case of inadvertent violations.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter

(b) Felony and misdemeanor driving under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Refusal to sign notice to appear

(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for causing that license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests are issued to every officer. Before going into service each employee shall ensure a serviceable high-visibility vest is in their possession.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Manager should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The San Bruno Police Department prepares traffic collision reports with the guidance of the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 RESPONSIBILITY

The Traffic Sergeant will be responsible for maintaining the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy. The manual will be kept in the Sergeant's office for all personnel to review.

501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Sergeant for approval. Reports will then be sent to the records division for the purpose of data entry into the Records Management System.

501.4 REPORTING SITUATIONS

There are 3 collision report formats that are used. They are:

1. 11-80 Format (Report Required)

2. 11-81 Format (Report Required)

3. 11-82 Format (Report Optional)

- **11-80 Format**

  Use for the following, on public or private property:
  When a collision results in a death or any involved party has a Suspected Serious Injury.A suspected serious injury is any injury other than fatal which results in one or more of the following:

  (1) Severe laceration resulting in exposure of underlying tissues/muscles/organs or resulting in significant loss of blood.
  (2) Broken or distorted extremity (arm or leg).
  (3) Crush injuries.
  (4) Suspected skull, chest or abdominal injury other than bruises or minor lacerations.
  (5) Significant burns (second and third-degree burns over 10% or more of the body).
  (6) Unconsciousness when taken from the collision scene.
  (7) Paralysis

  When a city vehicle is involved in a collision with an occupied vehicle

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

When a police vehicle is involved in a collision while non-police personnel are in the vehicle (ride-along, prisoner, etc.)

A factual diagram is required

Photos of vehicles, involved persons, injuries if possible, scene and evidence are required

The narrative shall include the following headings:
Summary
Cause of Collision
Statement(s)
Scene Description
Physical Evidence
Factual Diagram
Investigation / Added information

- **11-81 Format**

Use for collisions on public or private property with injuries, including simple complaints of pain.
Photos of vehicles, involved persons, injuries if possible, scene and evidence are required

The narrative shall include the following headings:
Summary
Cause of Collision
Statement(s)
Scene Description (Delete if not applicable)

Physical Evidence (Delete if not applicable)

Investigation / Added information (Delete if not applicable)

- **11-82 Format**

Use for the following:
Public property collisions with no injuries or complaints of pain (these collisions may be documented in an 11-82 CAD mask rather than a formal collision report.)
Public or Private property hit and run collisions (These collisions may be documented on a 20002 CVC CAD mask rather than a formal traffic collision report if there is no suspect information).
Private property collisions that involve a vehicle code violation or other crime

The narrative shall include the following headings:
Summary
Cause of Collision

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Statement(s)
Scene Description (Delete if not applicable)
Physical Evidence (Delete if not applicable)
Investigation / Added information (Delete if not applicable)

With the exception of the following collisions: Major injury, fatality or those involving a felony or misdemeanor, NO REPORT WILL BE TAKEN where it is reported more than 24 hours after it occurred.

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City owned vehicle is involved in a traffic collision upon a roadway, highway or private property wherein any damage or injury results. Photographs of the collision scene and vehicle damage shall be taken.

Refer to section 502.4.3 for report documentation.

501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the San Bruno Police Department, the Watch Commander may notify the California Highway Patrol for assistance.

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The on-duty Watch Captain may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY (SOP)

In compliance with the Collision Investigation Manual, traffic collision reports should not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or involves Penal or Vehicle Code violations.

Officers will be dispatched to assist the parties in exchanging information, ensuring they have insurance, a valid driver's license, current registration and no one is under the influence of alcohol or drugs. If there is a violation of any one of those mentioned, enforcement action can and should be taken.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports should be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision

(b) When there is an identifiable violation of the Vehicle Code

(c) When a report is requested by any involved driver

(d) Suspected DUI driver

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

501.5 REGIONAL MAJOR ACCIDENT INVESTIGATION TEAM (MAIT) GUIDELINES CRITERIA FOR REQUESTING MAIT ASSISTANCE

In accordance with the Call-Out Procedure listed below, MAIT assistance may be requested under the following circumstances:

- Fatal traffic collisions or potentially fatal traffic collisions
- Serious injury traffic collisions
- Traffic collisions involving the potential for felony criminal charges
- Traffic collisions involving the potential for city and/or county liability
- Traffic collisions which involve city and/or county personnel
- Crime scenes for which forensic scene mapping is necessary
- Any other scenario which Command Staff Personnel deem appropriate

CALL OUT PROCEDURE

In the event that assistance from the Regional MAIT is desired, the following procedures shall be followed:

1. The on-duty Supervisor will notify the MAIT Commander in their department

(a) If the MAIT Commander from that department is not available, the on-duty Supervisor may contact the MAIT Supervisor from their department or a MAIT Commander from another participating agency.

2. If the MAIT Commander approves the use of MAIT, he or she will then notify the MAIT Supervisor from their department

(a) If the MAIT Supervisor from that department is not available, the MAIT Commander should contact the MAIT Commander from another participating agency and request notification of their MAIT Supervisor.

3. The MAIT Commander and MAIT Supervisor will determine the staffing needs for the incident

(a) The MAIT Supervisor will be responsible for calling in MAIT Investigators and/or Technicians from their agency

(b) If MAIT Investigators from other participating agencies are needed, the MAIT Commander from the originating agency should make those requests through the MAIT Commander(s) from those department(s)

4. This same procedure should be followed if a non-participating agency requests assistance from MAIT

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Each participating agency's Public Safety Communications Division shall maintain a list of the Regional MAIT Commanders, Supervisors, Investigators and Technicians.These lists will be provided and updated by MAIT Supervisors.

Whenever possible, at least one MAIT Investigator from the agency in which a given incident occurs shall be included in the investigative team that responds to a scene.A minimum of three (3) MAIT Investigators should respond to most scenes.

FATAL TRAFFIC COLLISION INVESTIGATION

The investigation of fatal traffic collisions has become a complex and highly technical field.The Regional Major Accident Investigation Team Investigators will receive ongoing training in the investigation of traffic collisions and reconstruction so they can best determine the cause of collisions and provide expert evidence for prosecution when necessary.

It shall be the policy of the agencies participating in the Regional Major Accident Investigation Team to ensure quality investigation by properly training, maintaining and equipping the Regional Major Accident Investigation Team.

The Regional Major Accident Investigation Team may be called to aid in an investigation to determine the cause of a collision and make recommendations based upon their findings.

The role of the Regional Major Accident Investigation Team is to provide their expertise at the scene of a major traffic collision. They will act as a resource in the analysis, measurement, and calculation of physical evidence needed to determine speed, area(s) of impact, and to give advice in investigative procedures. The team members shall diagram the scene and provide support to the investigation as directed by the scene supervisor. Unless appropriately relieved, patrol officers on scene shall maintain responsibility for the investigation with assistance from the Major Accident Investigation Team Investigators.

Whenever possible, the primary reporting officer for a given collision should be from the agency where that collision occurred.

Reports prepared by MAIT Investigators will be reviewed by a MAIT Supervisor but ultimately approved in accordance with their department's policies and procedures.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

MUTUAL AID REQUESTS

Upon request, the Regional Major Accident Investigation Team may respond to assist an outside, non-participating agency, with prior approval of Command Staff Personnel.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the San Bruno Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

When circumstances permit or it is prudent to do so (for example when towing a vehicle for blocking a residential driveway) the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage, if possible, and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Section/Dispatcher for SVS entry as soon as practicable after the vehicle is stored.

502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the next rotational tow company. The officer will then store the vehicle using a CHP Form 180.

502.2.3 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be towed whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic related warrant arrest.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be towed and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

502.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

502.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, to comply with posted signs or at the owner's request.

502.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

502.2.7 RECORDS SECTION RESPONSIBILITY

Dispatch/Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved CHP 180 forms shall be immediately available for release or review should inquiries be made.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

502.3 TOWING SERVICES

The City of San Bruno Police Department periodically selects firms which are placed on a rotation tow list. These firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to tow a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle should be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

502.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available 24 hours a day (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
3. Any other circumstance as set forth in Vehicle Code § 14602.6.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the San Bruno Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a) ; 22852(a)).

The hearing should be done at the time the person comes into the San Bruno Police Department. The hearing officer must be a supervisor and not the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a written decision to be attached to the tow report. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid pursuant to Memorandum of Understanding signed between contracted Tow Companies and the Department.

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Captain. The hearing officer will recommend to the appropriate Division Captain that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The San Bruno Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Traffic Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in California or another jurisdiction.

504.4 FIELD TESTS

The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.5.2 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

504.5.3 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.5.4 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.5 BREATH SAMPLES

The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

504.5.6 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

504.5.7 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio- and/or video-record the admonishment when it is practicable.

(c) Document the refusal in the appropriate report.

504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code § 1524).

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

504.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.7 RECORDS SECTION RESPONSIBILITIES

The Records and Communication Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.8 ADMINISTRATIVE HEARINGS

The Records and Communication Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

504.9 TRAINING

The Training Manager should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Manager should confer with the prosecuting attorney's office and update training topics as needed.

504.10 ARREST AND INVESTIGATION

504.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.

(b) The person is observed in or about a vehicle that is obstructing the roadway.

(c) The person will not be apprehended unless immediately arrested.

(d) The person may cause injury to him/herself or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.10.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES

The Traffic Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)).

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation.

505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Sergeant.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and correction notice to Communications Personnel. Records Staff shall forward the appropriate paperwork to the court having jurisdiction and to the recipient of the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS

department Records Section

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Section.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at two different levels (Vehicle Code § 40215; Vehicle Code § 40230):

(a) Handled through a formal process by Turbo Data.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

505.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

505.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing. (Vehicle Code § 40215).

(c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Disabled Vehicles

506.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

506.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

72-Hour Parking Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and towing of vehicles parked in violation of the San Bruno Police Department City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

507.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of San Bruno Police Department 72-Hour Parking Ordinance shall be marked and noted through the corresponding RIMS incident number.

A 72-hour parking warning notice shall be placed on the windshield or other appropriate location. A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted in the RIMS incident notes.

507.2.1 MARKED VEHICLE FOLLOW-UP

Community Service Officers shall be responsible for the follow up investigation of all 72-hour parking violations as logged into RIMS in accordance with this policy.

507.2.2 VEHICLE STORAGE

Any vehicle in violation shall be towed by the authorized towing service and a CHP 180 report shall be completed by the officer authorizing the storage of the vehicle.

The CHP 180 report form shall be submitted to the Records Section immediately following the storage of the vehicle. It shall be the responsibility of the Records Section to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the towing of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

507.3 PROCEDURE FOR 11-24 AND OVERSIZE VEHICLES

- Dispatch
  - o Enter 11-24/oversize vehicle complaints into RIMS just as you are now
    - Include all available information (location, vehicle description, plate, etc.)
  - o Print the RIMS CAD and vehicle registration and place them into the “New 11-24’s” tray in Dispatch for CSO’s to pick up at the beginning of their shift.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

• CSO

o Retrieve new 11-24's/oversized vehicle complaint from the tray daily

o For self-generated 11-24's and oversized vehicle calls, create the RIMS CAD yourself just as you are doing now

o Enter detailed notes for each follow-up activity into the CAD for that specific 11-24 or oversized vehicle complaint

The notes shall be entered into the description [Desc] portion of the CAD using an 11-24 Template also known as a CAD mask.

The 11-24 Template can be found under the RIMS main menu under: Other/Ready Reference.
It is named as ID# 1T6 : Template – 11-24. This template can be copied and pasted into the description portion so the pertinent notes can be entered.

Chalking Officer:
Date / Time Marked:
Tire(s) Chalked [Y/N, Which Tire]:
Tire(s) Rocked [Y/N, Which Tire]:
Mileage [Main Odometer]:
Mileage [Trip Odometer]:
Warning Issued [Y/N]:
Notes:
Checking Officer:
Date / Time Checked:
Disposition:

Enter the vehicle into the RIMS Abandoned Vehicles Log. This log can be found under the RIMS main menu under: Records/Abandoned Vehicles. Use the Add Vehicle button to add the vehicle via its license plate number or VIN. The RIMS Vehicle record will open up. Update any pertinent information in the Vehicle record and save.

The Abandoned Vehicle log record will then appear for the vehicle. Complete all the appropriate sections. The Source section should include the responsible chalking Officer and date and time the vehicle was warned/chalked/rocked. The Expiration Date [Exp Date] should show 72 hours from the date the vehicle was warned/chalked/rocked. The Expiration Time [Exp Time] should be 0600 hours on the third day so this may be less than 72 hours from the time the vehicle was processed. This will ensure the vehicle is highlighted to be checked on the third day when CSO's check the Abandoned Vehicle log at the start of their shift.

At the beginning of each shift, the CSO responsible for 11-24's shall checked the RIMS Abandoned Vehicles Log to see which vehicles are highlighted to indicate they should be checked and cited and/or towed that day if appropriate. CSO's should ensure 72 hours have transpired from the warned/chalked/rocked date/time before citing and/or towing the vehicle

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

by checking the time when the Source responsible officer actually warned/chalked/rocked the vehicle.

The Abandoned Vehicle log record for the vehicle should then be updated with the Disposition [Dispo]. If the vehicle was moved or not located, then mark the vehicle Returned to Owner. This will remove the vehicle from the Abandoned Vehicles log. If the vehicle was towed then mark the vehicle as Towed. The 11-24 CAD mask should also be updated with the Officer, Date/Time Checked and Disposition.

• Officers

o If officers wish to initiate an 11-24 to be followed up on by CSO's…

- They can call it in to dispatch for a CAD to be created.
- Ensure that the license plate and vehicle description are added to the CAD
- The notes shall be entered into the description [Desc] portion of the CAD using an 11-24 Template also known as a CAD mask. Refer to the CSO section above for details on the CAD mask.
- Dispatch will then print the CAD and put it into the "New 11-24's" tray so that CSO's can follow-up on it accordingly.

Officers or CSO's may return to the warned vehicles after 72 hours to cite it and tow the vehicle at the same time.

507.4 HABITUAL 11-24 PROCESS

The third time a vehicle is reported as a legitimate violation of the 72-hour ordinance it will be labeled as habitual.

- A Certified letter will be sent via USPS to the registered owner of the vehicle, requiring a signature upon delivery.
  - The letter will inform the registered owner that because the vehicle has been identified as a habitual violator of the 72-hour ordinance, warning citations will no longer be issued to the vehicle as part of the process. The vehicle will be chalked and cited/towed when appropriate.
  - A copy of the aforementioned letter will be retained by the parking enforcement officer.
- A notation is made in RIMS that the vehicle has been served with a habitual notice letter.
- No further issuance of written warning notices will be placed on that particular vehicle.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chapter 6 - Investigation Operations

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the San Bruno Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without authorization from the prosecuting attorney and the Investigative Services Section supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Captain or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution may be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

(g) The statute of limitations has expired.

The Domestic Violence, Child Abuse Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers may request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the San Bruno Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.5.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

(a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

    1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

    2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

601.5.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.6.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

    1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

    2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):

    1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

    2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

    3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.6.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT
The Property supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigative Services Section supervisor.

Classification of a sexual assault case as unfounded requires the Investigative Services Section supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Investigative Services Section supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigative Services Section supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

601.10 TRAINING

Subject to available resources, periodic training will be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.
5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Eyewitness Identification

602.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

602.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

602.2 POLICY

The San Bruno Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

602.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

602.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigative Services Section supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

602.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

602.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

602.6.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

602.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

602.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

602.8.1 <B>DOCUMENTATION RELATED TO RECORDINGS</B>

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

602.8.2 <B>DOCUMENTATION RELATED TO BLIND ADMINISTRATION</B>

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Asset Forfeiture

603.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the San Bruno Police Department seizes property for forfeiture or when the San Bruno Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

603.2 POLICY

The San Bruno Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the San Bruno Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

603.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

603.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and the District Attorney's Office in coordination with the forfeiture reviewer (Investigative Services Section Supervisor):

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.
2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

603.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized. The San Mateo County District Attorney's Office has a minimum cash seizure threshold of $400.00 to initiate forfeiture action.

(b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

(c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).

(d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490). Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

(e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

603.3.3 SEIZED VEHICLES (SOP)
Vehicles seized subject to forfeiture will be taken to a designated secure San Bruno Police storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the Investigative Services Section Supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.No vehicle should be stored at a location where fees will be assessed unless prior approval is obtained from the Deputy District Attorney in charge of asset forfeiture.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

603.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete the criminal investigation. Be sure that you have a solid sales or possession for sale case. This is important, as all seizures less than $25,000.00 require a criminal conviction, if contested.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Seize the cash. If cash is found in multiple locations, keep the totals separate. Count the money very carefully. If the count and the amount actually seized are different, you will be required to serve the involved parties a second time and the District Attorney may be required to amend and republish the forfeiture case, all of which is time-consuming and expensive.

(c) Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

(d) Package and deposit the cash as evidence.The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

(e) Conduct a brief financial interview. See attached Financial Questionnaire. It is very helpful to gather information regarding your suspect's employment, salary, and additional forms of income. Because drug-related forfeitures are civil, Miranda shouldn't apply, but there is little case law.

(f) Contact the District Attorney's Office to ask the District Attorney to initiate a forfeiture case. Ask for the Forfeiture Deputy District Attorney during business hours (650)363-4636 or contact the General On-Call Deputy District Attorney after hours. Tell the Deputy District Attorney the facts of your case sufficient to establish probable cause to believe that the property you wish to seize is subject to forfeiture. If the Deputy District Attorney tells you that the District Attorney's Office is initiating forfeiture proceedings, record the Deputy District Attorney's name on the Notice of Seizure form, record the District Attorney authorization in your police report and serve the forfeiture paperwork.

(g) Provide all involved parties with a copy of the completed Notice of Seizure Form, the original Receipt for the Seizure of Property Subject to Forfeiture, and the directions - Interested Parties Wishing to File Claims in Forfeiture Matters, along with (2) blank Claim Opposing Forfeiture Forms. Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(h) Obtain signed Disclaimer Forms whenever possible. If an involved party makes a clear disclaimer of the property and signs the Disclaimer Form, it is not necessary to serve that person with further paperwork.

(i) When there are multiple suspects involved or other involved parties (roommates, common law spouse, etc.) who could realistically have an interest in the money, serve them with the entire asset forfeiture packet.

(j) Notify the Franchise Tax Board where there is reasonable cause to believe the value of the seized property exceeds $5,000.00 (H&S 11471.5) and the Department of Motor Vehicles where a vehicle is seized or released.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(k) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(l) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

(m) Forward your case to the Forfeiture Deputy District Attorney's Office. The forfeiture case must be forwarded to the District Attorney's Office within 15 days of the seizure. Follow the Forfeiture Case Checklist included in the asset seizure packet. Include a copy of the crime report, and any supporting documents supplemental reports, search warrants, etc.), and a copy of the lab report. Forward the entire Forfeiture Packet to the Forfeiture Deputy District Attorney, 400 County Center, 3rd Floor (Hall of Justice) in Redwood City, CA 94063.

(n) The District Attorney's Office will handle everything from this point forward. The seized money will remain in San Bruno Police Evidence until notified by the District Attorney's Office. At this point, the money will be removed from evidence, and transferred and deposited into a trust account.

(o) Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

(p) Even if you do not find assets during your drug sales investigation, you may be able to obtain valuable information that may turn up cash upon further investigation. Look for the following items during the search of your suspect's residence and/or vehicle:

1. (a) (a) Blank Checks
   (b) Bank Statements
   (c) Paycheck Stubs
   (d) Check Cashing and/or Deposit Receipts
   (e) Wire Transfers
   (f) ATM Card & ATM Transaction Receipts
   (g) Safe Deposit Key
   (b)

(q) Consider adverse claims and seizure orders. Collect the items as evidence, make photocopies, and notify the Narcotics Task Force of the District Attorney's Office. It may be possible to seize money from the suspect's accounts or safety deposit boxes. Because the funds can be easily withdrawn or transferred, time is of the essence. An adverse claim may be used to temporarily freeze the account until a seizure order is obtained to seize the asset.

603.4.1 ASSET VALUES (SOP)

Currency: Amounts of $400 or more are sufficient to justify a forfeiture proceeding.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Other than cash: Items such as cellular phones, jewelry, computers, etc. having a value of $400 or more, if they are proceeds of a narcotics transaction.

Vehicles: Any vehicle having a value of $1,000 or more in equity. The vehicle could be the subject of a forfeiture IF the registered owner knew and consented that the vehicle was being used to facilitate the possession for sale or sale of those narcotics and amount determined by the courts.

At a minimum for further investigation, the vehicle must be registered to the suspect, paid for (a small amount of financing may be ok), in good condition, and valuable enough to seize. The approximate value, based on the Blue Book, should be stated in the Notice of Seizure Form.

For cases using the facilitation theory, the following minimum drug seizures are mandatory:

- 1/2 ounce of heroin or cocaine base or a substance containing heroin or cocaine base
- 1 ounce of any Schedule I substance, except Marijuana, Peyote or Psilocybin (10 pounds of any of those 3 substances)
- 1 ounce of pure cocaine or methamphetamine
- 2 ounces of substances containing cocaine or methamphetamine
- 1 ounce of a Schedule II substance

Vehicle seizure is not limited to cases involving the possession for sale of only the above drugs. Other drugs included in the previously listed H&S Codes may also qualify the vehicle for seizure. Vehicles must be kept in a secure place while the forfeiture is pending, but it is not cost effective to keep them in a place where daily storage fees are charged.

603.5 MAINTAINING SEIZED PROPERTY

The Property Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

603.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

603.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

603.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the San Bruno Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

603.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Extradition (SOP)

604.1 PURPOSE AND SCOPE

This policy provides guidelines by which out-of-state extraditions and local prisoner pick-up are conducted on San Bruno warrants.

604.2 PROCESS

LOCAL ARREST: The San Bruno Police Department will agree to pick up any prisoner arrested for a warrant issued at the request of the department, providing the suspect is in custody in one of the nine Bay Area Counties.

WPS WARRANTS STATEWIDE: When the San Bruno Police Department enters a warrant into the Wanted Persons System, this department shall pick up the prisoner, when arrested.

OUT OF STATE ARREST: The San Bruno Police Department will have to confer with the San Mateo County District Attorney when a person has been arrested or detained out of state on the strength of an NCIC want. The out of state agency shall be told that a decision will have to be made by the District Attorney's Office whether they are willing to extradite and prosecute. The decision should be made as soon as possible.

WARRANT CONFIRMATIONS: Personnel who confirm warrants shall find out how long the subject will remain in custody and forward the information to the warrant clerk. If the person is arrested on a bench warrant the clerk will forward a copy of the warrant to the San Mateo Sheriff's Transportation Unit of prisoner pick up; all other warrant arrests will either be picked up by this department or arrangements will be made with the San Mateo County Sheriff's Transportation Unit.

EXTRADITIONS: Subjects arrested out of state who have been approved by the District Attroney's Office for extradition will normally be handled by the San Mateo County Sheriff's Office Extradition Unit.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Warrant Service

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

605.2 POLICY

It is the policy of the San Bruno Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

605.3 OPERATIONS DIRECTOR

The Operations Director/Division Lieutenant (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The Operations Director/Division Lieutenant will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

605.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the Operations Director/Division Lieutenant for review and classification of risk (see the Operations Planning and Deconfliction Policy).

605.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the Operations Director/Division Lieutenant for review and classification of risk (see the Operations Planning and Deconfliction Policy).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

605.6 WARRANT PREPARATION

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the Operations Director/Division Lieutenant for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the Operations Director/ Division Lieutenant. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

605.7 HIGH-RISK WARRANT SERVICE

The Operations Director/Division Lieutenant or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(i) The condition of the property is documented with video recording or photographs after the search.

605.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

605.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

605.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Operations Director/Division Lieutenant will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Operations Director/Division Lieutenant. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Operations Director/Division Lieutenant should ensure that members of the San Bruno Police Department are utilized appropriately. Any concerns regarding the requested use of San Bruno Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

If the Operations Director/Division Lieutenat is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside San Bruno Police Department jurisdiction, the Operations Director/Division Lieutenant should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the San Bruno Police Department when assisting outside agencies or serving a warrant outside San Bruno Police Department jurisdiction.

605.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

605.12 TRAINING

The Training Manager should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Operations Planning and Deconfliction

606.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

606.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

606.2 POLICY

It is the policy of the San Bruno Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

606.3 OPERATIONS DIRECTOR

The Divison Lieutenant will serve as the Divisions Operations Director.

The Operations Director/Division Lieutenant will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The Operations Director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Operations Director/Division Lieutenant will also have the responsibility for coordinating operations that are categorized as high risk.

606.4 RISK ASSESSMENT

606.4.1 RISK ASSESSMENT FORM PREPARATION

assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The officer should gather available information that includes, but is not limited to:

(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

606.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the Operations Director/ Division Lieutenant.

The supervisor and Operations Director/Division Lieutenant shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

606.4.3 HIGH-RISK OPERATIONS

If the Operations Director/Division Lieutenant, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Investigative Services Section
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

6. Persons trained in negotiation
7. Additional surveillance
8. Canines
9. Property or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

606.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

606.6 OPERATIONS PLAN

The Operations Director/Division Lieutenant should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present,

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

606.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

606.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The Operations Director/Division Lieutenant shall ensure that all participants are visually identifiable as law enforcement officers.

    (a) Exceptions may be made by the Operations Director/Division Lieutenant for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

    1. It is the responsibility of the Operations Director/Division Lieutenant to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

    2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

    3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

606.8 SWAT PARTICIPATION

If the Operations Director/Division Lieutenant determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

606.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

606.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWATdebriefing.

606.11 TRAINING

The Training Manager should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chapter 7 - Equipment

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY SECTION

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY SECTION

Claims for reimbursement for damage or loss of personal property must be made via a memo, . to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Lieutenant,which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER
Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Lieutenant.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The San Bruno Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities, nor shall the GPS function be turned off (see the Information Technology Use Policy for additional guidance). For officer safety and communication purposes, Officers are required to login to car issued computers during their entire shift or during any temporary use of a Department vehicle.

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are to be used soley for activities reasonably related to the business of the Department. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection and/or monitoring (including all related records and content) at any time without notice and without cause.

Several PCDs issued (cell phones) have confidential, Law Enforcement proprietary information contained therein. PCDs shall never be allowed to be utilized by any non-department personnel.

PCDs issued to individual members may be taken home between shifts or left at the station. In either case, all PCDs must remain in the possession of the member to whom they were issued or in a secure location where they cannot be accessed by others, at all times. Some specialized positions will be required to take issued PCDs home with them based upon the needs of their assignments (Command, ISS, Support Services, Traffic, Admin. Sergeant). Nothing in this policy requires regular personnel to monitor or engage in regular departmental communications when off-duty.

All PCDs issued to individual members are the direct responsibility of the employee to whom they are assigned. The PCD shall not be transferred from the member it was originally assigned to, to another member, except at the direction of command staff.

Members are required to carry the PCD issued to them at all times while on-duty.Whenever practicable, members should use their department-issued or funded PCD, as opposed to their personally owned PCD, for all work-related communications and other tasks while on-duty.Members are also encouraged to use their department-issued or funded PCD, as opposed to their personally owned PCD for any work-related communications or activities while off-duty.
Department-issued or funded PCDs are managed by a Mobile Device Management Program (MDMP) such that the installation of applications and updates is centrally managed for most devices.Members shall adhere to the restrictions placed upon their PCDs by the MDMP and make no effort to circumvent the MDMP settings.If members want to have a new application added to their PCD, they shall submit a request for the addition to their immediate supervisor, who will pass it up the chain of command as appropriate.

701.5 LOSS-DAMAGE TO DEPARTMENT ISSUED PCD

Upon discovery that a department-issued or funded PCD is missing or damaged, the member to which is was assigned must immediately notify their Shift Supervisor. It is the responsibility of the member to whom the PCD is assigned to immediately document the loss and or damage and provide such documentation to their Shift Supervisor. The Shift Supervisor must then

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

immediately notify the Division Lieutenant or Captain so that the PCD can be tracked and/or deactivated as needed.

701.6 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.

(d) members receive department-issued or funded PCDs in an effort to protect their individual privacy and to maintain all department-related communications on a department-issued or funded PCD. Should members choose to use their personally owned PCD for purposes related to this Department, they will have a reduced expectation of privacy while doing so and have no expectation of privacy with regard to any department business-related communication.

(e) No information contained on the PCD that was used to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department shall be disseminated to any person or entity not legally entitled to receive it, without the express authorization of the Chief of Police or the authorized designee

(f) Use of a personally owned PCD while at work or for work-related business may subject the PCD to inspection and retrieval of data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD shall be transferred to the San Bruno Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

If contacted via department-issued or funded PCD or a personally owned PCD by a supervisor, members have no expectation of call-back pay associated with answering their PCD,

Except with the exception of certain specialty positions members are not obligated or required to carry, access, monitor or respond to electronic communications while off duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work,

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.7 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists. Use of a PCD for personal reasons, while on a call for service shall not occur.

(b) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible.

(c) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(d) While on duty,members will not access social networking sites for any purpose that is not official department business.

(e) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

701.8 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.

    (a) An investigation into improper conduct should be promptly initiated when circumstances warrant.

    (b) Before conducting any administrative search of a member’s personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

(c) If a PCD is reported lost or damaged the shift Supervisor shall

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. Immediately commence an investigation into the loss and or damage including any and all information related to the PCD issued (where or to whom it was issued, who was last to use it, etc.)
2. Inform the respective Division Lieutenant IMMEDIATELY. In the event of loss; a GPS search will be initiated immediately and/or the phone will be shut down remotely, etc.

701.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Members operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.10 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to the Vehicle Maintenance Officer (VMO) or City Corp yard for repair.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- Roll-a-tape measuring device
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

702.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place nor leave a vehicle in service that has less than one-half tank of fuel. Vehicles shall only be refueled at the authorized location.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

702.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of San Bruno Police Department to provide assigned take-home vehicles.

703.2 POLICY

The San Bruno Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.2.1 DETECTIVE BUREAU VEHICLES

Investigative Services Division vehicle use is restricted to detective personnel Monday through Friday from 7:00 AM to 5:00 PM unless approved by a detective supervisor. After hour use of Investigation Investigation vehicles by personnel not assigned to the Investigation Investigation shall be recorded with the Shift Sergeant on the shift roster.

703.2.2 PARKING

City owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a City owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, missing assigned equipment/ weapons or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MDT

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Dispatch. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle’s location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Captain approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without permission from a Division Captain.

703.3.12 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the San Bruno Police Department City limits.

(d) Off-street parking will be available at the member's residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of San Bruno Police Department is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of San Bruno Police Department may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Captain gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Chief of Police or Division Captains and there is a high probability that the member will be called back to duty.
2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
3. When the member has received permission from the Chief of Police or Division Captains.
4. When the vehicle is being used by the Chief of Police, Division Captains or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the San Bruno Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

(a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Captain within five working days explaining the circumstances.

703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the San Bruno Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Chief of Police has designated the Chief's Executive Assistant and the Records and Dispatch Supervisor as the fund managers responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Narcotics Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chapter 8 - Support Services

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Dispatch

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the San Bruno Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between Dispatch and department members in the field.

800.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Watch Commander, command staff and department members with a specific business-related purpose.

800.4 RESPONSIBILITIES

800.4.1 RECORDS AND COMMUNICATIONS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records and Communications Supervisor. The Records and Communications Supervisor is directly responsible to the Field Services Division Captain or the authorized designee.

The responsibilities of the Records and Communications Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.

(b) Scheduling and maintaining dispatcher time records.

(c) Supervising, training and evaluating dispatchers.

(d) Ensuring the radio and telephone recording system is operational.

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Processing requests for copies of Dispatch information for release.

(f) Maintaining Dispatch database systems.

(g) Maintaining and updating Dispatch procedures manual.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
2. Ensuring dispatcher compliance with established policies and procedures.

(h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

800.4.2 ADDITIONAL PROCEDURES

The Records and Communications Supervisor should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(e) Assignment of field members and safety check intervals.

(f) Emergency Medical Dispatch (EMD) instructions.

(g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(i) Protection of radio transmission lines, antennas and power sources for Dispatch (e.g., security cameras, fences).

(j) Handling misdirected, silent and hang-up calls.

(k) Handling private security alarms, if applicable.

(l) Radio interoperability issues.

800.4.3 DISPATCHERS

Dispatchers report to the Records and Communications Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

1. Emergency 9-1-1 lines.
2. Business telephone lines.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (CLETS, DMV, NCIC).

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:

1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment of emergency response.

800.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

800.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

800.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

800.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the dispatcher advised of their status and location.

(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Records and Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
San Bruno Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.6.2 RADIO IDENTIFICATION
Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

800.7 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member’s arrival.
- Time of member’s return to service.
- Disposition or status of reported incident.

800.8 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

800.9 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Records Section

801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the San Bruno Police Department Records Section. The policy addresses department file access and internal requests for case reports.

801.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Management System (RIMS).

Reports are numbered commencing with SNB then last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number SNBYY00001 would be the first new case beginning January 1 of a new year.

801.2 POLICY

It is the policy of the San Bruno Police Department to maintain department records securely, professionally, and efficiently.

801.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Records and Communication Supervisor.

801.3 RESPONSIBILITIES

801.3.1 RECORDS AND COMMUNICATION SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records and Communication Supervisor. The Records and Communication Supervisor shall be directly responsible to the Administrative Services Division Captain or the authorized designee.

The responsibilities of the Records and Communication Supervisor include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Section.

(b) Scheduling and maintaining Records Section time records.

(c) Supervising, training, and evaluating Records Section staff.

(d) Maintaining and updating a Records Section procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. Homicides.
2. Cases involving department members or public officials.
3. Any case where restricted access is prudent.

801.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

(c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:

1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
2. Suspected hate crimes (Penal Code § 13023).
3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.

(a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).

(h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation within seven calendar days of the precipitating event (Penal Code § 11108.2).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

(j) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

801.3.3 RECORDS SECTION PROCEDURE MANUAL
The Records and Communication Supervisor should establish procedures that address:

(a) Identifying by name persons in reports.

(b) Classifying reports by type of incident or crime.

(c) Tracking reports through the approval process.

(d) Assigning alpha-numerical records to all arrest records.

(e) Managing a warrant and wanted persons file.

801.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the San Bruno Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administrative Services Division Captain. The Administrative Services Division Captain or a designee should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Division Captain should forward the petition to the Investigative Services Section supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigative Services Section Supervisor and the Administrative Services Division Captain or their designee shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Services Division Captain or their designee shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Administrative Services Division Captain should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

801.5 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Field Services Division Captain should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.

(c) The California DOJ is notified.

801.6 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Watch Commander.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

801.7 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records and Communication Supervisor. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

801.8 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Property and Evidence

802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

802.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property label. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked into the evidence/property lockers prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete the property RIMS entry describing each item of property separately, listing all serial numbers, owner’s name, logging officer's name, and other identifying information or markings.

(b) Attach a RIMS evidence/property tag/label (which includes the logging employees name, case number, etc.) to each package or envelope in which the property is stored.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) When the property is too large to be placed in a locker, the item may be retained in the long term storage room. The watch commander and property officer must be notified of the location of the property should this room be used temporarily.

802.3.2 NARCOTICS AND DANGEROUS DRUGS

The officer seizing the narcotics and dangerous drugs shall log them separately into RIMS and place them in an available evidence locker for disposition by the Property Officer. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Explosives shall be handled in coordination with the San Mateo County Bomb Disposal Unit. Fireworks (both safe and sane and illegal) seized and logged into evidence shall, generally not be stored, rather photographed, the label retained and logged into evidence and the firework itself transfered to the control of the San Bruno Fire Department for storage in the vault for later disposal.

802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking in the evidence drying cabinet.

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property Officer, for return to the Department of Motor Vehicles. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property record. RIMS Property tag(s) will be securely attached to each bicycle or bicycle frame and logged into property/evidence.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or

(b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or

(c) The Automated Firearms System indicates that the firearm was reported lost or stolen.

1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property Officer shall ensure the Records and Communication Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Section Policy).

802.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked and stored separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition)

(c) Property with more than one known owner

(d) Paraphernalia as described in Health and Safety Code § 11364

(e) Currency

(f)

802.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

802.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

802.5 RECORDING OF PROPERTY

The Property Officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. Thisnumber shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the San Bruno Police Department shall be noted in the property logbook.

802.6 PROPERTY CONTROL

Each time the Property Officer receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property Officer at least one day prior to the court day.

802.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or for a court proceeding.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property Officer. This request may be filled out any time after booking of the property or evidence.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Property Officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

802.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The Property Officer shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

802.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigative Services Section shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

802.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

The Property Officershall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be scanned into RIMS with the case. If some items of property have not been released the property card will remain with the property file under control of the Property Officer. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property Officer should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

802.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigative Services Section will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

802.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the Property Officer shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

802.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

(a) If a petition for a hearing regarding the return of the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) which conforms to the provisions of Penal Code § 33865.

(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the weapon is not retained as evidence, the Department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which conforms to the provisions of Penal Code § 33865.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed or retained as provided in Welfare and Institutions Code § 8102.

802.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the San Bruno Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

802.6.11 DISPOSITION OF ALCOHOL

Section 23220 through 23226 California Vehicle Code; 25662 Business and Professions Code; and 9.20.080 San Bruno City Code. (This section applies only to the above violations and not to other cases involving the seizure of alcoholic beverages).

(a) Adults

1. When the offense involves a defendant(s) 18 years or older, the evidence shall be brought to the station and those open containers emptied and disposed. Those unopened shall be marked with the case number or citation number and placed in the property room.

2. When the property officer removes the unopened containers form a locker, they shall stored the items in the permanent property room pending destruction. A log of this evidence shall be maintained by the property officer, indication the date received, the case or citation number, a description of the evidence shall be noted in the report or on the back of the citation.

(b) Juveniles

1. When the offense involves a defendant under 18 years of age, the evidence shall be brought to the station, marked, issued a property tag and placed in a property locker.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. the property officer shall later place the evidence in the permanent property room and store it there until on of the following occurs; A juvenile Court/Probation Department disposition is received; ninety (90) days from the date of arrest have passed; Notification is received from the Support Services Officer that no formal criminal action will be taken
3. The opened container(s) shall then be emptied and destroyed. Those unopened shall be stored pending destruction.

802.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

802.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

802.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant’s attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor’s office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

802.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) An annual audit of evidence held by the Department shall be conducted by the Commander.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Restoration of Firearm Serial Numbers

803.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

803.2 PROCEDURE

Any firearm coming into the possession of the San Bruno Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

803.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

803.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

803.2.3 OFFICER RESPONSIBILITY
The Property Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

803.2.4 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

803.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

803.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Records Maintenance and Release

804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

804.2 POLICY

The San Bruno Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

804.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 6253).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department’s website.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

804.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

804.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

(a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles, or positions of each person responsible for the denial.

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 6254.29).

(c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow the dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicate when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

(n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

804.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

804.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records and Communication Supervisor shall ensure that the required notations on local summary criminal history information

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

804.8.1 SEALED JUVENILE ARREST RECORDS
Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records and Communication Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

804.9 SECURITY BREACHES

The Records and Communication Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

804.9.1 FORM OF NOTICE

(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29, and include, to the extent possible, the following:

1. The date of the notice.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. Name and contact information for the San Bruno Police Department.
3. A list of the types of personal information that were or are reasonably believed to have been acquired.
4. The estimated date or date range within which the security breach occurred.
5. Whether the notification was delayed as a result of a law enforcement investigation.
6. A general description of the security breach.
7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver's license or California identification card number.

(b) The notice may also include information about what the San Bruno Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account and no other personal information has been breached (Civil Code § 1798.29):

(a) Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.

(b) When the breach involves an email address that was furnished by the San Bruno Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

804.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

(a) Written notice.

(b) Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

(c) Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:

(a) Email notice when the Department has an email address for the subject person.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.

(d) Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

804.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed-release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

804.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

(a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

(b) Delay of the disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

804.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(b) When the delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

804.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or an authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

804.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

(a) The person in the recording whose privacy is to be protected, or his/her authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

The Department may continue to delay the release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Protected Information

805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the San Bruno Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the San Bruno Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

805.2 POLICY

Members of the San Bruno Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, San Bruno Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

805.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records and Communication Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

805.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

805.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDT or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

805.6 SECURITY OF PROTECTED INFORMATION

The Records and Communication Supervisor is responsible for the oversight of the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

805.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

805.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

805.8 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

805.9 AGENCY SPECIFIC CONTENT

The following sections are agency specific content and are in addition to Lexipol content.

805.10 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

805.11 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a).

805.12 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Section, Dispatch and in the Investigative Services Section to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

805.13 CUSTODIAN OF CRIMINAL RECORDS

The Records and Communication Supervisor, unless otherwise directed by the Administrative Services Division Captain, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Administrative Services Division Captain may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The Administrative Services Division Captain will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

805.14 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

805.15 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Records and Communication Supervisor

(b) Full-time employees of the Records Section

805.16 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Computers and Digital Evidence

806.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

806.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

806.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

806.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

806.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Records Supervisor to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

806.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

806.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

806.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

806.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media from cameras or other recorders that are Department issued and/or used by Department personnel for evidence collection:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the station as soon as possible for submission into evidence.

(b) Officers are authorized to download memory cards to evidence however are not authorized to copy and/or distribute digital media made from the memory cards.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) Officers will download the contents of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the officers will erase the memory card for re-use. The storage media will be marked as the original.

(d) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

806.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

806.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only Records Section Personnel are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Recording of telephone and Radio Communications (SOP)

807.1 PURPOSE AND SCOPE

To establish common procedures to lawfully monitor, record, and store telephone and radio communications in compliance with Government Code 34090.6

807.2 AUTHORIZED PERSONNEL

(a) The following persons are authorized to access and/or monitor recording equipment:

1. Administrative personnel
2. Supervisors
3. Members of the Investigative Section
4. Office personnel (dispatchers and clerks) who have received training and approval.

807.3 RETENTION OF RECORDINGS

All recording shall be maintained for one hundred days.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Forms Control (SOP)

808.1 PURPOSE AND SCOPE

This policy provides guidelines to develop, use, and evaluate forms which will allow for the effective written communications.

808.2 RESPONSIBILITY

(a) Forms control responsibility rests with the Administrative Services Division

(b) No form shall be used until it has received careful study and the approval of the Chief of Police.

(c) Recommendations for changes, additions, or deletions of forms may come from any member of the department. Such recommendations are to be submitted, in writing, via the chain of command.

808.3 STEPS TO FOLLOW

(a) When proposing the development of a new form, consideration should be given to ensure that:

1. The proposed form is the correct means on which to document the procedure.
2. The form is thorough and concise with respect to its use and instructions for completion.
3. It does not duplicate any portion of a form already in use.

(b) Each proposed new form shall be submitted to the staff for review, consideration, and recommendations(s).

(c) Once approved by the staff, the form will be submitted to the Chief of Police for final approval.

(d) Once approved by the Chief of Police, the form will be assigned a departmental form number.

(e) A copy of the form, along with an accompanying explanation and/or instructions for its use, will be placed into the briefing basket.

808.4 REPLACEMENT AND REPLENISHMENT

The Records Division Supervisor will designate personnel to replace and replenish forms. The person assigned will order needed forms and ensure an adequate supply is on hand to meet the needs of the department.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Jeanne Clery Campus Security Act

809.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

809.2 POLICY

The San Bruno Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any San Bruno Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the San Bruno Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the San Bruno Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

809.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

(a) Ensure that the San Bruno Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).

    (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).

2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).

4. Notify the San Bruno Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

5. Notify the San Bruno Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

809.3.1 ADDITIONAL REQUIREMENTS

The Chief of Police or the authorized designee will also (Education Code § 67386):

(a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence and stalking involving a student whether it occurred on- or off-campus including:

1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.

2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications and participation by victim advocates and other supporting individuals.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence and stalking cases.

(c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.

(d) Ensure that any reported Part 1 violent crime, sexual assault or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the San Bruno Police Department or the institution (Education Code § 67380).

1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have his/her personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees or the institution, and the immediate assistance of the San Bruno Police Department is necessary to contact or detain the assailant (Education Code § 67380).

2. If the institution discloses the identity of the alleged assailant to the San Bruno Police Department, the institution must immediately inform the victim of that disclosure (Education Code § 67380).

809.4 RECORDS COLLECTION AND RETENTION

The Records and Communication Supervisor is responsible for maintaining San Bruno Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

8. Arson
9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
10. Dating violence, domestic violence and stalking

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

1. The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
   (a) On campus.
   (b) In or on a non-campus building or property.
   (c) On public property.
   (d) In dormitories or other on-campus, residential or student facilities.

(c) Statistics will be included by the calendar year in which the crime was reported to the San Bruno Police Department (34 CFR 668.46(c)(3)).

(d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

809.4.1 CRIME LOG

The Records and Communication Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the San Bruno Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) All log entries shall be made within two business days of the initial report being made to the Department.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

809.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records and Communication Supervisor is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

(a) All occurrences reported to the San Bruno Police Department and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.

(b) All occurrences of noncriminal acts of hate violence reported to the San Bruno Police Department for which a written report is prepared.

809.5 INFORMATION DISSEMINATION

It is the responsibility of the Administrative Services Division Captain to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46 (g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
   (a) Procedures victims should follow.
   (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chapter 9 - Custody

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the San Bruno Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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

Temporary custody - The time period an adult is in custody at the San Bruno Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The San Bruno Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the San Bruno Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.

(c) Any individual who is seriously injured.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).

(h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

(j) Any individual who is obviously developmentally disabled (15 CCR 1057).

(k) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).

(l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).

(m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department supervisor shall be on duty at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

When possible and absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Corrections Standards Authority (CSA) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by CSA staff. The review and recommendations of the CSA biennial review shall be forwarded to the City, as required by 15 CCR 1027.

900.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

(a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    (a) Continuous, direct sight and sound supervision.
    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.
5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Field Services Division Captain will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
    1. This notification should be documented either in the CAD notes or formal report.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
    1. If the country is on the mandatory notification list, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.

(c) Forward any communication from the individual to his/her consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS (FACILITY LOG/JAIL LOG)

Any time an individual is in temporary custody at the San Bruno Police Department, the custody shall be promptly and properly documented by the responsible officer in a custody log, including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the San Bruno Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they may be monitored at all times, except when using the toilet.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(i) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. An officer should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should be released or transferred to another facility as soon as is appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

900.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual's desire for further telephone access.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.

  1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

  2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

  1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.

  2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire unless there are articulable circumstancs that warrant the removal. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody or any other person shall be documented as stated in the Use of Force or On-Duty Injuries policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.9 ATTORNEYS AND BAIL BONDSMEN

(a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).

(b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.

(c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.

(d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.

(e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the San Bruno Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient’s signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to provide the property along with an inventory list to the receiving facility.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Watch Commander shall attempt to prove or disprove the claim.

900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) The individual shall have constant auditory access to department members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 30 minutes (15 CCR 1027.5).

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Field Services Lieutenant will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the San Bruno Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the Watch Commander, Chief of Police and Investigation Division Captain

(c) Notification of the spouse, next of kin or other appropriate person

(d) Notification of the appropriate prosecutor

(e) Notification of the City Attorney

(f) Notification of the Coroner

(g) Evidence preservation

(h) In-custody death reviews (15 CCR 1046)

(i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

See link below for San Mateo County Protocol for In-Custody Death Protocol

http://172.31.27.23/SMCPCSA/

900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the San Bruno Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

900.11 ASSIGNED ADMINISTRATOR

The Field Services Division Captain will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment (15 CCR 1200)

(e) Escapes

(f) Evacuation plans

(g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032

(h) Disaster plans

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(i) Building and safety code compliance

(j) Civil and other disturbances including hostage situations

(k) Periodic testing of emergency equipment

(l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections as required in 15 CCR 1012

(m) Inspections and operations reviews

(n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

(a) Applicable minimum jail standards

(b) Jail operations liability

(c) Inmate segregation

(d) Emergency procedures and planning, fire safety, and life safety.

(e) Suicide prevention

Eight hours of refresher training shall be completed once every two years (15 CCR 1024).

The Training Manager shall maintain records of all such training in the member's training file.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the San Bruno Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the San Bruno Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. Requests form neighboring agencies will be made for same sex officer to conduct search if needed. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's San Bruno Police Department identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES

No individual in temporary custody at any San Bruno Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at San Bruno Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.

2. The reasons less intrusive methods of searching were not used or were insufficient.

3. The written authorization for the search, obtained from the Watch Commander.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

901.7 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chapter 10 - Personnel

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the San Bruno Police Department and that are promulgated and maintained by the Human Resources Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the San Bruno Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administrative Services Captain should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administrative Services Captain shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Lie detector test (when legally permissible) (Labor Code § 432.2)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the San Bruno Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1000.5.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES
If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private, or protected information, the Administrative Services Division Captain shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administrative Services Division Captain should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate, and validated.

(c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administrative Services Division Captain should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING
The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

1000.5.5 RECORDS RETENTION
The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.5.6 BACKGROUND INVESTIGATION UPDATE
A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

within 180 days of voluntary separation from the San Bruno Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions

(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) At least 18 years of age

(d) Fingerprinted for local, state, and national fingerprint check

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

1. Reading and writing ability assessment (11 CCR 1951)
2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

(a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)

(b) An oral communication assessment (11 CCR 1958)

(c) A medical evaluation (11 CCR 1960)

1000.8 PROBATIONARY PERIODS

The Administrative Services Division Captain should coordinate with the San Bruno Police Department Human Resources Department to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Personnel Records

1001.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1001.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1001.3 PERSONNEL FILE

Personnel Files will be managed by the appropriate Division Captain with the assistance of the Management Analyst assigned to the Police Chief in accordance with City and Department retention policies. These files will be made available for review to an employee upon their request with reasonable notice. In order to maintain updated emergency contact information, the Division Captain or authorized designee shall annually solicit updated information from staff.

The personnel file shall be maintained as a record of a person’s employment/appointment with this department. The personnel file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
  - (a) Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established City records retention schedule.
  - (b) Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established City records retention schedule.
- (f) Adverse comments such as supervisor notes or memos may be retained in the personnel file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
  - (a) Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
  - (b) Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment, and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1001.4 ADDENDUM FILE

The addendum file is used as supervisory, or “drop,” file. It serves as a tool for Supervisors to document the performance of employees under their supervision. As such, the addendum file is a personnel file and is to be made available for review to an employee upon their request with reasonable notice. All materials intended for this file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

The information contained within a supervisory file should be used by a Supervisor to prepare an employee’s annual evaluation. A Supervisor is not required to include all information from the file in the evaluation. However, this file allows for the Supervisor to complete a thorough evaluation that includes examples and information from early in the evaluation period or observations from other Supervisors during the same rating period. Because the addendum, or supervisory file, is not a permanent personnel file, all information within the file should be purged either annually or at the conclusion of the evaluation period.

1001.5 TRAINING FILE

Training Records will be included in the Personnel Files. While CA POST records are now retained electronically, employees are encouraged to submit training certificates to be included in their Personnel File.

1001.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Division Captain in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Division Captain. The Division Captain will maintain a spreadsheet tracking internal affairs investigations. This spreadsheet will include the date of the incident being investigated, the date the Department became aware of the incident, the date the investigation is due to be completed, the IA case number, the nature of the investigation, the employee(s) being investigated, the assigned investigator, and an area for notes providing the status of the investigation. The Division Captain may seek the assistance of the Management Analyst assigned to the Police Chief in managing this document. This spreadsheet will be reviewed weekly to track the progress of the investigations.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Upon completion of an internal affairs investigation, the investigation report and all supporting documentation shall be retained in an Internal Affairs File. A document articulating the disposition of the investigation will be retained in the employee's personnel file in accordance with the City/ Dept. retention policy. The entire investigation report will not be inserted into the employee's personnel file. The internal affairs investigation report will be made available when required via consent or by statute as a file separate from the employee's personnel file. All internal affairs files will be maintained by the Division Captain with the assistance of the Management Analyst assigned to the Police Chief and retained in accordance with the City and Department retention policies.

1001.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1001.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

Only those members of the San Bruno Police Department authorized by the Police Chief or his/ her designee will be allowed access to Internal Affairs Records. Those are:

(a) Person Investigated: Members may review their own personnel files.

(b) Investigators: Any sworn staff assigned to conduct an internal investigation may review another members' internal affairs record for the purpose of effectively completing the investigation.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) Outside Request: Any request by either an outside agency or another source to review a member's internal affairs records must be approved by the Police Division Captain and be in compliance with California Penal Code Section 832.7, California Evidence Code Section 1043, or pursuant to a Federal Court Order.

(d) San Bruno Police Department Supervisory Personnel: Any supervisor may review a member’s internal affairs records on a “need to know” basis with the prior approval of the Division Captain.

The Division Captain will ensure that the San Bruno Police Department Staff Member reviewing a file is authorized to do so.

Inquiries regarding internal affairs investigations will not be discussed over the telephone other than to confirm to a department member investigations are available for review.

The internal affairs file cabinet will be locked and secured at all times when unattended by a command staff member.

1001.8.1 REQUESTS FOR DISCLOSURE/PITCHESS MOTIONS

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records, Division Captain or other person charged with the maintenance of such records.

The Division Captain will serve as the custodian of records in response to granted Pitchess Motions. Upon receipt of a request for personnel records pursuant to Pitchess, the Division Captain will consult with the City Attorney and District Attorney’s Office to ensure the validity of the request and to clarify its scope. Personnel Files, Training Records, and Internal Affairs Files are considered personnel records in response to a Pitchess Motion.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member’s personnel records shall be logged in the corresponding file.

1001.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1001.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(2)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by an officer.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.

(b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the department or oversight agency regarding:

1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the officer. However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

1001.9.1 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about use of serious force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(7)).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1001.9.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident where force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until whichever occurs later:

(a) There is a determination from the investigation whether the use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the use of force or allegation of use of force

(b) Thirty days after the close of any criminal investigation related to the officer's use of force

1001.9.3 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of complainants and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(6)).

1001.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1001.11 RETENTION AND PURGING

In accordance with the City and Department retention policies, an employee may request that documentation be purged from a Personnel or Internal Affairs File. Requests to remove items from a Personnel or Internal Affairs File, pursuant to retention policies, shall be submitted in writing to the Division Captain. These requests will be reviewed by Command Staff. Should such a request be approved by Command Staff, the Division Captain will submit a memorandum to the Chief for

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

final approval and signature. The City Attorney and City Clerk will then be notified of the request to purge the record, pursuant to City/Dept. policies. Upon approval from the City Attorney, the item being removed from the file and the original request memo will be provided to the employee. It is important to note that both statute and policy mandate the length of time records are to be retained. They do not necessarily mandate when they are to be purged.

Members shall be responsible for any request to purge files from their personnel file. See section 1001.13. The Division Captain will review any such request and will present those items to the Command Staff for review. The Command Staff's recommendations for items to be purged will be forwarded to the Chief for signature on the Records Destruction Request Form then forwarded to the City Attorney and City Clerk for review and approval.

1001.12 AGENCY SPECIFIC CONTENT

The following subsections are content specific to the San Bruno Police Department and are in addition to the Lexipol content outlined above.

1001.12.1 CITIZEN COMPLAINTS

Statute requires the retention of all formal citizen complaints. The determination regarding the investigation and resolution of a complaint will be made by the Chief of Police. Regardless of the manner in which a formal complaint is investigated or resolved, it will be issued a Citizen Complaint Tracking Number (ex:21-CC-01) by the Division Captain or their designee. The Division Captain will maintain a spreadsheet tracking complaints that will include the date of the incident involving the complaint, the date the complaint was received, the complaint tracking number, the nature of the complaint, and how it was resolved. The Division Captain may seek the assistance of the Management Analyst assigned to the Police Chief in managing this document. While copies of complaints may be included in additional files, such as in an Internal Affairs File, they will also be retained in a stand-alone file to be managed by the Division Captain with the assistance of the Management Analyst assigned to the Police Chief. These files will be held in accordance with City and Department retention policies.

1001.12.2 VEHICLE PURSUIT REVIEW

The administrative review of vehicle pursuits will include the independent determination of the Supervisor, Division Lieutenant, Division Captain, and the Chief of Police as to whether or not the actions of the involved Officer(s) complied with policy or if further investigation is required. If it is determined that the actions of the involved Officer(s) were in compliance with policy, the pursuit review will not be inserted into the involved Officer(s)' personnel file. All pursuit reviews will be issued a pursuit tracking number by the Division Captain or their designee (ex:21-VP-001). A copy of the Pursuit Review can be located in the designated document management system.

The Division Captain will maintain a spreadsheet tracking pursuit reviews. This spreadsheet will include the date of the incident being documented, the pursuit tracking number, and the associated RIMS case number. The Division Captain may seek the assistance of the Management Analyst assigned to the Police Chief in managing this document. The pursuit review, including all

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

supporting documentation (crime report, CHP Form #187a, etc.), shall be retained in a Pursuit Review File. While copies of pursuit reviews may be included in additional files, such as in an Internal Affairs File, they will also be retained in a stand-alone file to be managed by the Division Captain with the assistance of the Management Analyst assigned to the Police Chief. These files will be held in accordance with the City and Department retention policies.

1001.12.3 USE OF FORCE REPORTING

A Use of Force Form shall be completed in the event that the force used is greater than light touch and/or could have resulted in a visible injury or complaint of pain (e.g. use of pain compliance holds / techniques, TASER, chemical agents, use of a spit mask, or pointing a firearm directly at a person). One use of force form shall be used to document each subject force was used against. The intent of these forms are to document use of force incidents for mandated reporting purposes and compiling statistical data. These forms are prepared as an internal administrative instrument. They shall not be released to persons or agencies outside the Department without the approval of the Chief of Police.

A Use of Force form will be completed by a Supervisor and forwarded to the appropriate division Lieutenant/Captain. This report will be reviewed by the Division Lieutenant, the Division Captain, and the Chief of Police who will evaluate whether or not the use of force incident was in compliance with Department Policy. If determined that the use of force incident complied with Department Policy, this form will only be retained in the Use of Force File. A Use of Force Tracking Number (ex:21-UF-001) shall be issued by the Division Captain or their designee. A copy of the Use of Force Report can be found in the designated document management system.

The Division Captain will maintain a spreadsheet tracking Use of Force Reports. This spreadsheet will include the date of the incident being documented, the use of force tracking number, and the associated RIMS case number. The Division Captain may seek the assistance of the Management Analyst assigned to the Police Chief in managing this document. The Use of Force Report, including all supporting documentation (crime report, etc.), shall be retained in the Use of Force File. While copies of Use of Force Reports may be included in additional files, such as in an Internal Affairs File, they will also be retained in a stand-alone file to be managed by the Division Captain with the assistance of the Management Analyst assigned to the Police Chief. These files will be held in accordance with the City and Department retention policies.

1001.12.4 ON-DUTY TRAFFIC COLLISIONS

The review of on-duty traffic collisions will include the independent determination of the Supervisor, Division Lieutenant, Division Captain, and Chief of Police as to whether or not the collision was avoidable and/or if any additional action is required. If it is determined that the collision was unavoidable, the collision review will not be inserted into the involved Officer(s)' personnel file. All collision reviews will be issued a collision tracking number by the Division Captain (ex: 21-TC-001). A copy of the Collision Review form can be located in the designated document management system..

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The Division Captain will maintain a spreadsheet tracking on-duty collisions. This spreadsheet will include the date of the incident being documented, the collision number, and the associated RIMS case number. The Division Captain may seek the assistance of the Management Analyst assigned to the Police Chief in managing this document. The collision review, including all supporting documentation (crime report, CHP or allied agency report etc.), shall be retained in a Collision Review File. While copies of collision reviews may be included in additional files, such as in an Internal Affairs File, they will also be retained in a stand-alone file to be managed by the Division Captain with the assistance of the Management Analyst assigned to the Police Chief. These files will be held in accordance with the City and Department retention policies.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Personnel Complaints

1002.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the San Bruno Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

The purpose of an internal investigation is to discover and document all relevant information or evidence in order to conclusively prove or disprove an allegation of misconduct or neglect of duty. Internal investigations may be initiated internally or in response to a complaint from the public. Investigations will occur to determine whether there was a violation of San Bruno Police Department General Orders, Policies and Procedures, civil service rules, or any federal, state or local statutes. Internal investigations may include but are not limited to the following allegations:

- unlawful arrests, searches or detentions
- excessive force
- unsafe vehicle operations
- officer-involved shootings
- damage and/or civil claims against the San Bruno Police Department
- discrimination or harassment
- rude or unprofessional conduct
- failure to comply with policies and procedures
- insubordination
- neglect of duty
- conduct unbecoming an officer/employee
- any violation of General Orders or policy and procedures

To avoid any conflict of interest, an internal investigation shall not be conducted by an investigator who is directly involved in the allegation or incident that is being investigated.

In all cases, an internal investigation shall be completed in a fair, timely and impartial manner.Due process rights of the involved employee(s) will be respected at all times.

When conducting an investigation into possible violations of Department policies and procedures, civil service rules, or other alleged misconduct, the assigned investigator will endeavor to obtain statements from involved parties and witnesses, collect all relevant evidence, and thoroughly document the results of the investigation.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1002.2 POLICY

The San Bruno Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

It shall be the policy of the San Bruno Police Department to receive complaints from members of the public in a courteous and professional manner. Internal investigations shall be appropriately documented, promptly investigated, and conducted in a timely, legal, and ethical manner, strictly adhering to procedural safeguards regarding employee rights. San Bruno Police Department personnel shall demonstrate sincere responsiveness to concerns of members of the public, will inform members of the public that their grievances will be taken seriously, and shall meet legal requirements for taking and investigating complaints.

1002.2.1 AVAILABILITY OF COMPLAINT FORMS (SOP)

Personnel complaint forms will be maintained at the front counter.If an individual request a complaint form they will be given one.The person handing them the form will ask if they wish to speak to a watch commander, so a determination may be made if immediate action is necessary. There is no obligation for the person making the complaint to speak to the watch commander in order to obtain a complaint form.

1002.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

PERSONNEL COMPLAINT:

An allegation of circumstances amounting to a specific act or omission which if proven true would amount to employee violation of San Bruno Police Department General Orders, Policies and Procedures, civil service rules, or any federal, state or local statutes.

PERSONNEL COMPLAINT INVESTIGATION:

Any investigation of any alleged violation of San Bruno Police Department General Orders, Policies and Procedures, civil service rules, or any federal, state or local statutes conducted against a sworn member of the San Bruno Police Department generated by another person. These investigations may be conducted either by command staff or supervisors at the divisional level.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

MISCONDUCT:
An act or omission by an employee which, if proven true, would normally result in some form of discipline, sanction, or remediation.

1002.3.1 COMPLAINT CLASSIFICATIONS
Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor and/or Command Staff, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1002.3.2 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1002.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1002.4.1 AVAILABILITY COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1002.4.2 ACCEPTANCE
All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

1002.4.3 AVAILABILITY OF WRITTEN PROCEDURES
The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1002.4.4 VERIFICATION
Upon receiving a complaint, the investigator(s) will determine if San Bruno Police Department Personnel are involved. If San Bruno Police Department Personnel are not involved, the complaining party will be referred to the proper agency.

1002.4.5 WITHDRAWN COMPLAINTS
In cases where the complaining party withdraws the complaint, the matter will continue to be investigated until it can proceed no further.

1002.4.6 REVIEW PROCESS
All instances requiring an internal affairs investigation will receive an internal affairs case number. The case number will be issued by the Division Captain and will be logged into the San Bruno Police Department Internal Affairs Tracking Form.

Depending upon the nature of the allegations and/or personnel involved, the investigation may be conducted by a member of the command staff or an assigned supervisor. Command staff will evaluate each complaint to determine whether the complaint is of such a minor nature that it should or should not be investigated, and if so, who will serve as the assigned investigator.

Whenever a complaint is sent to a supervisor for investigation, a cover memorandum will be prepared by the Division Captain. This memo will designate a due date for completion of the investigation and will be routed through the chain of command. The original copy of the investigation will be retained in the secured Internal Affairs file cabinet.

The Division Captain will notify the Chief of Police of all allegations of criminal conduct or serious misconduct by Department members. The Chief of Police will be provided with a weekly report of the status of all active internal investigations.

1002.5 DOCUMENTATION
Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1002.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1002.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint. All internal investigations will be documented in a written report. The internal investigation of a Department member's conduct must be completed in a fair and impartial manner.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

  1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

  2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Captain or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

  1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.

  2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.

(e) Human Resources Department Watch Commander Human Resources Department Watch Commander.

(f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

  (a) Review the complaint or allegation.

  (b) Determine what rule or regulation, if any, were violated.

  (c) Identify what interviews need to be conducted concerning complaining parties and/or witnesses.

  (d) Collect all evidence relating to the matter. This may include photographs, medical reports, police reports, communications tapes, duty rosters, internal and/or external video, disability reports and sketches or diagrams of scenes. As much evidence as possible should be gathered during the initial receipt of the complaint. Photos should be taken of injuries or damaged property. Medical releases should also be obtained, which allow investigators access to copies of complainant's medical reports. Occasionally situations arise in which complaining parties have visible injuries but are not able to come to the Department. They may be at home incapacitated, in the hospital, or in jail. In these situations it may be necessary to go to the complainant as soon as practical to take statements and photograph injuries. In any case where a victim states they have a visible injury or claim to be injured, but the injury is not readily visible, photographs shall be taken regardless. If the complainant refuses to allow photographs to be taken, document this in the investigation and if possible attempt to obtain a written and signed statement from the complainant documenting the refusal.

  (e) Obtain any background information regarding the complainant, witnesses or other involved parties that might be relevant. Such information may include prior contacts with law enforcement.

  (f) Obtain background information regarding the Department member against whom the complaint was filed, including prior complaints, performance evaluations, and past disciplinary actions which are relevant to the present matter, including prior warnings or notice regarding misconduct or neglect of duty.

  (g) Interview witnesses, including non-accused San Bruno Police Department Personnel.

  (h) Interview accused San Bruno Police Department Personnel.

(i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1002.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or investigator Internal Affairs the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) When a complaint has been filed against a San Bruno Police Department Staff Member and assigned as an internal affairs investigation, the member will be notified in writing of the complaint and informed that an investigation will be conducted. In cases that require extraordinary amounts of time to complete, efforts will be made to update both the person complained of and the complaining party.

(b) If the Department member is a sworn peace officer, he/she will be advised that the rights afforded him/her by sections 3300 through 3311 of the California Government Code are in effect.

(c) When the investigator is prepared to interview the involved Department member, the member will be given a date, time and location for the interview. This notification will be in compliance with the requirements of California Government Code 3303, sections (b) and (c). Every effort will be made to conduct the interview during the member's normal duty hours. Compensated with overtime hours per MOU if not. A copy of the notice or a notation of the date and time of verbal notification will be retained with the case file. The notifications will be sent by the lieutenant of the involved unit or the Division Captain.

(d) Unless waived by the member, interviews of an accused member shall be at the San Bruno Police Department or other reasonable and appropriate place.

(e) No more than two interviewers should ask questions of an accused member.

(f) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview. In the interest of conducting an unbiased investigation, statements of complainants and witnesses, evidence collected and investigator's reports are deemed confidential and will not be provided prior to the interview of an employee under investigation. The employee shall be provided with information regarding the nature of the investigation prior to the interview to aid in the member's recall of the incident and to provide for a more accurate statement. Should a second interview be necessary with the person under investigation, a tape recording or a transcript of his/her first interview will be provided to him/her upon request.

(g) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.

(h) All internal interviews will use the following introductory format:

    (a) Date, time and location of the interview;

    (b) Note that the interview is being recorded;

    (c) Who is conducting the interview, their current assignment, and their rank;

    (d) All persons present during the interview;

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(e) The purpose and nature of the interview;

(f) The Grant of Immunity (Lybarger) Admonition.

(i) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(j) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. If there is a possibility the Department member's conduct is criminal in nature, the member will first be given the Miranda Warning. The Grant of Immunity Admonition, also known as the Lybarger Admonition, will be given to all employees.A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(k) Unless a complainant or witness refuses, interviews of all persons involved in internal complaints will be recorded. Since internal affairs investigations are administrative in nature, recording conversations is not allowed without the knowledge of the person(s) being recorded. The recording device will be kept in open view. All breaks in the recording for any reason will be noted on the recording along with the reason for the break. The time the recording is turned back on will be verbally recorded and, if possible, the time just prior to turning the tape off for the break. The recording(s) will then be downloaded to a storage device, labeled and placed in the case file. Due to "cloud" storage capabilities, care should be taken to conduct the interview in an office not wired as an interview room.The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(l) When members of the public decline to be tape-recorded or are unavailable for an interview, a brief written statement of the incident about which they are complaining is recommended. The investigator will also note that the complainant would not allow their statement to be recorded. The complainant should be offered the option of writing down their statement in greater detail in lieu of being recorded.

(m) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. The representative shall not be a person subject to the same investigation. The member is allowed to confer with his/her representative and the representative is allowed to confer with the employee.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The member, however, must be the one to answer the investigator's questions. The representative shall not be a person subject to the same investigation.In order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(n) All members shall provide complete and truthful responses to questions posed during interviews.

(o) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1002.6.3 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1002.6.4 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

All formal misconduct investigation documents will be maintained in a case folder. The file will be maintained by the assigned investigator as long as the case remains open and will include the following items:

(a) original investigative reports;

(b) original documents and/or photographs, and/or recordings, other evidence;

(c) original administrative correspondence;

These items will be retained and safeguarded by the case investigator. The case folder, when not in the custody of the investigator, will remain locked in a secure location until such time it has been completed.

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

Unless approved by the Division Captain, all internal investigations will be completed within 90 days of the date the San Bruno Police Department became aware of the alleged misconduct or neglect of duty. The internal affairs investigator will notify the complainant and noticed involved employees of the status of the investigation every 30 days after the initial 90 days has elapsed, and document such in their report.

1002.6.5 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format

- DATE OF INCIDENT
- SAN BRUNO POLICE DEPARTMENT INTERNAL AFFAIRS CASE NUMBER
- COMPLAINANT
- LOCATION
- COMPLAINT
- INVOLVED PERSONNEL
- ASSIGNED INVESTIGATOR
- NOTICE SUBJECT PERSONNEL
- PERSONNEL INTERVIEWED
- WITNESSES
- EVIDENCE
- BACKGROUND - A general description of the facts alleged
- INVESTIGATION - The substance of the investigation, including statements of witnesses and accused employees

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

- FACTUAL FINDINGS - An analysis of the facts making findings regarding what the investigation revealed. This analysis may include findings regarding the credibility of witnesses.
- CONCLUSIONS - An application of the factual findings to the allegations, including supporting analysis.The conclusions will include references to the appropriate sections of General Orders, other policies and procedures, civil service rules, or federal, state or local law.The conclusions as to each allegation will be based on a preponderance of the evidence standard.The conclusions will be: exonerated, unfounded, not sustained, sustained, frivolous, or no finding.

1002.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

Unless approved by the Division Captain, all internal investigations will be completed within 90 days of the date the San Bruno Police Department became aware of the alleged misconduct or neglect of duty. The internal affairs investigator will notify the complainant and noticed involved employees of the status of the investigation every 30 days after the initial 90 days has elapsed, and document such in their report.

1002.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member’s consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

In cases where there is doubt as to whether a particular search would be permissible without a search warrant or valid consent, the City Attorney’s Office will be contacted for advice.

1002.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process

(b) Information exists that tends to indicate a conflict of interest with official duties

(c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1002.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1002.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency. When a criminal investigation is conducted by an outside agency on a member of the San Bruno Police Department, the internal affairs investigator(s) will conduct a concurrent investigation into the matter.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The San Bruno Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

A criminal investigation will always have priority over any internal affairs investigation. When the criminal investigation is completed it will be incorporated into the internal affairs case which can then proceed. This includes documenting all items of evidence and obtaining copies of tape recordings. This does not mean, however, that an internal affairs investigation must wait for the criminal case to conclude before starting.

Once the internal affairs investigation has begun, information regarding misconduct or other facts surrounding the case will not flow from the internal affairs investigation to criminal investigation.

1002.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action. All findings and conclusions involving misconduct investigations will be reviewed and approved by the Police Chief or his/her designee.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1002.10.1 DIVISION CAPTAIN RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Lieutenant of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Lieutenant may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Captain may return the entire investigation to the Division Lieutenant and/or assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Captain shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1002.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Captain for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1002.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT
The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1002.10.4 EMPLOYEE DISCIPLINARY NOTIFICATIONS AND ACTIONS
Once investigations that have been SUSTAINED are approved by the Chief of Police, disciplinary action will proceed.

Informal discipline consisting of training, informal counseling and documented oral counseling can be imposed immediately by direction of the Police Chief or his/her designee. Documented oral counseling refers to written accounts of verbal counseling. If such written account is placed in the counseled employee's personnel file, he/she may respond with a written reply if desired.

Formal discipline consisting of, suspension, demotion, written reprimand, termination, or other punitive action(s) require due process and the allowance of administrative appeals. In cases involving formal discipline, a Notice of Intent to Discipline will be prepared and served by the Chief of Police. The member will be provided with a complete copy of the internal investigation report. A notation will be made and placed in the case file reflecting that the investigated member received a copy. Such Notice of Intent to Discipline letters will be signed by the Chief of Police and will be forwarded to the employee.

1002.11 PRE-DISCIPLINE EMPLOYEE RESPONSE
The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

SKELLY PROCEDURE

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The Skelly procedure is an administrative appeal process available to San Bruno Police Department Personnel prior to the imposition of any formal discipline. This procedure is held after the member is given his/her Notice of Intended Discipline letter, which provides a 30 day time limit (Per MOU) within which to appeal.

If appealed, the member will be given a time to meet with the Police Chief to discuss the matter. The member may have a representative or attorney present during this meeting. After the meeting is held, a final decision is made by the Police Chief as to discipline.

The Division Captain will receive and retain the written decision by the Police Chief regarding the results of the Skelly meeting and will prepare the Notice of Discipline letter, if appropriate, after the member has been notified of the results of the Skelly meeting.

After the administrative appeal process is completed, a final Notice of Discipline letter will be prepared and served to the involved San Bruno Police Department Staff Member. This Notice of Discipline letter will designate the level of discipline to be imposed and when the discipline will begin. Letters of actual discipline will be signed by the Police Chief.

Both the Notice of Intended Discipline and the Notice of Discipline letters will be prepared by the Division Captain and reviewed and signed by the Police Chief.

1002.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1002.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1002.13.1 ADJUSTMENT BOARD

When discipline resulting from an internal affairs investigation is appealed by a San Bruno Police Department Staff Member to the City Manager, the Division Captain will work with the City Attorney’s Office in reviewing the case, being custodian of the original case file and evidence, serving subpoenas, and arranging witness appearances.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1002.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1002.15 RETENTION OF PERSONNEL INVESTIGATION FILES

Documents involving internal affairs case investigations will be retained in accordance with the City Records Retention Policy. At the conclusion of the listed time frames, all internal affairs records, and corresponding documentation in a Personnel File may be purged unless designated otherwise by the Police Chief.

1002.15.1 ACCESS TO INTERNAL AFFAIRS RECORDS

Only those members of the San Bruno Police Department authorized by the Police Chief or his/her designee will be allowed access to Internal Affairs Records. Those are:

- **Person Investigated:** Members may review their own personnel files.
- **Investigators:** Any sworn staff assigned to conduct and internal investigation may review another member's internal affairs records for the purpose of effectively completing the investigation.
- **Outside Request:** Any request by either an outside agency or other source to review a member's internal affairs records must be approved by the Division Captain and be in compliance with California Penal Code Section 832.7, California Evidence Code Section 1043, or pursuant to a Federal Court Order.
- **San Bruno Police Department Supervisory Personnel:** Any supervisor may review a member's internal affairs records on a "need to know" basis with the prior approval of the Divisio Captain.

The Division Captain will ensure that the San Bruno Police Department Staff Member reviewing a file is authorized to do so. Inquiries regarding internal affairs investigations will not be discussed over the telephone other than to confirm to a department member investigations are available for review. The internal affairs file cabinet will be locked and secured during all times when unattended by a command staff member.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1002.15.2 PITCHESS MOTION

A Pitchess Motion (California Evidence Code Section 1043) is a legal process to access an officer's personnel records.

The Division Captain is the designated Pitchess Officer. It is his/her responsibility to work in cooperation with the City Attorney's Office in seeing that all Pitchess Motions are handled as prescribed by law.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Brady Material Disclosure

1003.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

1003.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the San Bruno Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

1003.2 POLICY

The San Bruno Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the San Bruno Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

1003.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1003.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

    1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

1003.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

1003.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Police Facility, Use of (SOP)

1004.1 PUROSE AND SCOPE

San Bruno Police Department maintains and is responsible for several facilities. These facilities exist both to help the police department fulfill its mission and to enhance the quality of life of its employees. This policy is to ensure that these facilities are used properly and are properly maintained, so they can continue to fulfill the purpose for which they were created.

These facilities include, but are not limited to:

A. Locker Room(s)

B. Seeping Rooms

C. Exercise Room

1004.2 LOCKER ROOM(S)

Use of locker rooms maintained by the police department are subject to the following rules, designed to provide a clean and safe environment for department employees

A. In order for the locker rooms to be maintained in a clean manner, nothing may be stored on top of the lockers or on the floor space outside of the lockers.

B. All items must be stored inside the employee's assigned locker(s). The only exception to this rule is one bath towel may be hung on the outside of the locker to air dry. Any towels so stored shall be laundered frequently.

C. Any unauthorized articles stored on top of lockers, left on the floor or stored outside of a locker may be stored with the property officer. Such items may be reclaimed from the property officer. Unclaimed items will be disposed of according to established procedures.

D. All personnel shall keep their locker door closed and locked if they are not in close proximity to it.

E. No unofficial materials, pictures, etc shall be attached to exterior locker surfaces.

F. Locker rooms are controlled and lockers assigned to either BART or SBPD personnel, by the San Bruno Administrative Captain or his/her designee.

1004.3 SLEEPING ROOMS

The police sleeping rooms are located inside Police Plaza. The sleeping rooms are designed as a temporary accommodation for employees who are too tired to drive home at the end of a tour of duty or for employees who have a court appearance/meeting a few hours after their shift ends. Use of the sleeping rooms in whole or part is a privilege granted by the Chief of Police and is revocable at any time without cause.

Use of the sleeping rooms is subject to the following rules:

A. The sleeping rooms may be used by any department member.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

B. Reservations to use the sleeping rooms will be documented in TeamUp at https://teamup.com/ kscdmer779z87zj8zj, made to the on-duty Watch Commander prior to its use. Department members are required to ensure that their reservations in TeamUp accurately reflect the duration of their use of the sleeping rooms and to remove their reservations in the event that they do not plan to use the sleeping rooms during a previously reserved time.

C. The sleeping rooms will be completely vacated of all personal property after each single use, regardless of consecutive days used or planned to be used.

D. Use of the sleeping rooms is on a "first come, first served basis" as documented in TeamUp.

E. Anyone using the sleeping rooms shall be fully clothed during the entire time the sleeping rooms are used.

F. No persons of the opposite gender will occupy the same sleeping room at the same time.

G. If both rooms are occupied by single members of the same gender and an employee of the opposite gender wishes to use a room, whichever occupant of the two rooms was last to enter will have to vacate one room and use the second vacant bunk in the other room. This will pair the same gender in one room and leave the second room for the opposite gender employee to use.

H. Users shall be responsible for maintaining the sleeping rooms in a clean and orderly manner. To facilitate this, no food or beverage will be taken into either room room other than water.

I. Users are responsible for preparing the sleeping rooms for use by the next person. Users will strip the bed of bedding and remove any personal property prior to leaving.

J. No photographs, pictures or other items shall be affixed to the walls of the sleeping rooms.

K. Any broken equipment or abuse of the sleeping rooms should be reported to the Watch Commander immediately.

L. Personal items (bedding, personal clothes, etc.) needed by the employee to use the sleeping rooms shall not be stored in any area inside the police facility other than the employee's assigned locker.

M. It shall be the responsibility of the San Bruno Police Association to maintain the sleeping rooms in a clean, functional manner. If the condition of the sleeping rooms is unsatisfactory, the Chief of Police has the right to revoke the privilege of its use immediately.

1004.4 EXERCISE ROOM GUIDELINES

A. Only currently employed members of the San Bruno Police Department are permitted to use the exercise room and equipment therein.

B. The use of the exercise room and equipment is strictly voluntary.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

C. Prior to using the facility and its equipment, employees shall familiarize themselves with the proper use of exercise equipment. Employees shall not use any piece of equipment unless they clearly understand how to use it properly.

D. Any employee who is serving on light or restricted duty, or who is on injury or sick leave, must have prior written approval from their attending physician prior to using the exercise room and equipment. Written approval from the physician shall include what type of exercise is approved. Written approvals and all questions shall be directed to the Field Services Division Captain.

E. Employees are strongly encouraged to seek the approval of their physician or a medical practitioner prior to beginning any exercise program or regimen.

F. Employees are to report any malfunctioning equipment or issues to the Watch Commander.

G. Reservations Requests to use the exercise room will be documented in TeamUp at https://teamup.com/ kscdmer779z87zj8zj, Department members are required to ensure that their reservations in TeamUp accurately reflect the duration of their use of the exercise room and to remove their reservations in the event that they do not plan to use the exercise room during a previously reserved time.

H. 60-minute maximum time use per person.

I. Each piece of equipment used **SHALL** be wiped down with disinfectant **prior to** and **after** each use.

1004.4.1 USE OF EQUIPMENT

The use of the equipment in the exercise room shall only be permitted, and is subject to revocation for failing to abide by the following conditions:

A. Personnel are required to be familiar with the proper use of exercise equipment.

B. Improper use of equipment is prohibited.

C. Personnel will ensure that the weight pins are properly inserted and secure in order to ensure safe usage and prevent injuries.

D. Personnel shall not attempt to utilize more weight than they are capable of handling without the use of a spotter.

E. No more than six people may use the exercise facility at one time.

F. Equipment shall be returned to its proper place/position after use. Failure to re-rack weights and equipment after use may result in revocation of privilege to use exercise room.

G. Equipment may not be removed from the exercise room.

H. Report any injuries or equipment damage immediately to an on duty supervisor.

I. Appropriate workout attire is required at all times.This includes pants/shorts, shirt and shoes.

J. Persons using the exercise room shall wipe down the equipment before and after use.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Police Facility, Use of (SOP)

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Emergency Access - Joint Police Facility (SOP)

1005.1 PURPOSE AND SCOPE

This policy sets forth procedures enabling department members to make emergency entry into secured locations within the Joint Police Facility.

1005.2 ACCESS

(a) Master keys to access all rooms and areas have been placed in a locked red box with, a glass face, which is located in the front office (northeast corner of the room).

(b) In the event of an emergency (i.e., fire, flooding, etc.) the master keys will provide entry to every secured location in the Joint Police Facility.

(c) In order to gain access to the master keys, the glass face of the box must be broken.

1005.3 REPORTING REQUIREMENTS

If it is necessary to access the master keys, the department member making entry shall document the reason for the entry in a memo and forward it to the Chief of Police.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Reporting of Employee Convictions

1006.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1006.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1006.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1006.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1006.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1006.5.1 NOTIFICATION REQUIREMENTS

The Administrative Services Supervisor shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administrative Services Supervisor shall submit within 30 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Drug- and Alcohol-Free Workplace

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1007.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1007.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1007.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

1007.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1007.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1007.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1007.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1007.7 REQUESTING SCREENING TESTS

The supervisor may request or administratively compel an employee to submit to a screening test under the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

1007.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1007.7.2 SCREENING TEST REFUSAL
An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1007.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1007.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Sick Leave

1008.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1008.2 POLICY

Per established MOU it is the policy of the City of San Bruno to provide eligible employees with a sick leave benefit.

1008.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation or compensatory time. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1008.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1008.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1008.5 REQUIRED NOTICES

The Human Resources Director shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1008.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Department as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Smoking and Tobacco Use

1010.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in San Bruno Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1010.2 POLICY

The San Bruno Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1010.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the San Bruno Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1010.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1010.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Administrative Review, On-Duty Vehicle Collisions (SOP)

1011.1 PURPOSE AND SCOPE

Providing guidelines for a supervisor review process of collision reports involving department members operating a City.

1011.2 SUPERVISORS RESONSIBILITIES

(a) Supervisors are responsible for investigative oversight when on-duty department personnel are involved in a collision.

(b) Supervisors shall ensure an appropriate report documenting the collision is prepared.

1. If the collision results in an injury, the California Highway Patrol (CHP) will be requested to respond, investigate and document the collision.

2. If the accident does not result in an injury, an uninvolved officer will respond to investigate and document the accident.

   (a) For unusual circumstances, such as a question regarding fault, a supervisor may request the CHP to investigate a non-injury collision. The CHP supervisor may approve the request.

   (b) An 11-80 format investigation shall be conducted except in cases of minor property damage only collisions. In such cases an 11-82 format investigation is sufficient.

   (c) Administrative Notification shall be made in accordance with the policy for injury accidents.

3. Collisions outside of the City should be prepared by the law enforcement agency having jurisdiction or by the CHP.

1011.3 EMPLOYEE RESPONSIBILITY

(a) Employees involved in a collision while driving any City owned vehicle or any vehicle while on-duty must immediately notify a supervisor.

(b) Unless safety reasons dictate otherwise, the involved vehicles should generally not be moved prior to the arrival of a supervisor. If practical, the position of the vehicle(s) should be photographed and marked prior to being moved.

1011.4 ADMINISTRATIVE REVIEW

(a) An Administrative Review by the involved employee's supervisor will be conducted for all on-duty collisions or any collision involving a City owned vehicle regardless of jurisdiction. The review will administratively determine the primary cause of the collision and whether the collision was AVOIDABLE, UNAVOIDABLE OR AVOIDABLE-JUSTIFIABLE.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. If the Administrative Review determines the collision to be AVOIDABLE due to negligence or inattention on the part of the employee, corrective action shall be taken. When determining the level of corrective action, the employee's driving record, degree of negligence or inattention, the amount of damage/injury or potential damage/injury and any other relative factors should be considered.
2. AVOIDABLE-JUSTIFIABLE may relate to the intentional action by an employee to intervene with a vehicle, thus resulting in damage that would be avoidable under normal circumstances. The findings in such a case may be AVOIDABLE-JUSTIFIABLE, it the reviewer deems the employee's actions were justified under the circumstances.

(b) Depending on the totality of the circumstances, corrective action can range from counseling to termination as outlined in the affected employee's MOU.

(c) The Administrative Review will be submitted via the chain of command to the Chief of Police, documenting the findings and any corrective action recommended. It will also document any intermediary supervisory corrective action taken.

(d) The Administrative Review should use the following categories and have a copy of the collision investigative report attached:

1. SUMMARY: A brief one or two paragraph narrative describing the circumstances surrounding the collision.
2. COLLISION FINDING(S): One sentence describing the result/conclusion of the Administrative Review. Example: "This collision was UNAVOIDABLE."
3. PERSONAL HISTORY: Any relevant and timely history from the employee's personnel file or other records that aid in determining the level of corrective action or other preventative measures required.
4. CORRECTIVE ACTION TAKEN/SUGGESTED: If preventative measures were taken, describe specifically what was done. If nothing, note "no action necessary." If preventative measures are suggested, describe specifically what is recommended.

1011.5 RETENTION OF DOCUMENTATION

(a) UNAVOIDABLE AND AVOIDABLE-JUSTIFIABLE: Upon final finding that a collision was UNAVOIDABLE OR AVOIDABLE-JUSTIFIABLE, the investigative documentation will be retained in accordance with the City and Department retention policies.

(b) AVOIDABLE: Upon finding that a collision was AVOIDABLE, the Administrative Review documentation will be retained in accordance with the City and Deaprtment retention policies. After the three year time period, the affected employee may submit a written request to the Chief of Police, requesting removal of the Administrative Review from the employee's personnel file.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Seat Belts

1012.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1012.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1012.2 POLICY

It is the policy of the San Bruno Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1012.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The driver may remove the restraint device just prior to arriving on a scene or a traffic stop to ensure a quick exit and to prevent becoming entangled in the restraint device. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1012.4 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1012.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1012.6 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1012.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1012.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Body Armor

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1013.2 POLICY

It is the policy of the San Bruno Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1013.3 ISSUANCE OF BODY ARMOR

The Administrative Services Lieutenant shall ensure that body armor is issued to all officers when the officer begins service at the San Bruno Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services Lieutenant shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1013.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1013.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1013.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1013.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Intra-Departmental Assignment (SOP)

1014.1 PURPOSE AND SCOPE

To set forth procedures that shall be followed in the selection of personnel to fill non-classified, non-promotional, intra-departmental duty assignments; i.e., detective, motorcycle officer, school resource officer, canine officer, police corporal, S.W.A.T., H.N.T.,support services officer, SFO/ DEA, DEA/MERGE, narcotics task Force agent, field training officer and I.S.S., administrative and traffic sergeant.

1014.1.1 QUALIFICATIONS

(a) Applicants for intra-departmental duty assignments shall meet the following basic qualifications at the time of appointment:

1. Shall have two (2) years full-time law enforcement experience as a California Peace Officer.
2. Shall have successfully completed the prescribed probationary period for current position held.
3. Shall possess the Basic P.O.S.T. Certificate.

(b) Applicants for the I.S.S. Supervisor assignment shall meet the following basic qualifications at the time of appointment:

1. Shall hold the rank of Sergeant.
2. Shall have successfully completed the prescribed probationary period for current position held.

(c) With the exception of being appointed per Section 1014.1.6 d., personnel are ineligible for reassignment to the position within six (6) months of their departure date.

1014.1.2 APPLICATION

(a) At such time as the need is determined to establish a qualification list for an intra-departmental assignment, a Notice of Application or a Notice of Pending Examination shall be posted on the bulletin board located in the squad room and the front office.

(b) The application period shall continue for a minimum of two (2) weeks, and the Notice of Application or a Notice of Pending Examination will reflect the final application filing date.

(c) Personnel desirous of competing in the examination process shall complete and submit an Application for Intra-Departmental Assignment (SBPD Form #4) to the Administrative Services Division Lieutenant, no later than the final filing date.

1014.1.3 PROCESS

(a) A separate examination shall be held for each assignment category, except I.S.S. Supervisor, Traffic Sergeant, andAdministrative Sergeant.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) Appointment to the I.S.S., Traffic or Admin. Sergeant assignment will be made in accordance with Section 1014.1.6 of this order.

(b) A list established through the examination process shall be valid for a period of six (6) months, commencing on the date the list is certified to the Chief of Police by the Administrative Services Division Captain.

(c) The examination process may include an oral interview, a written examination, or both, as determined by the Chief of Police.

1. Written Examination

(a) Prepared and administered by the Division Captain.

(b) The following types of written examinations may be utilized:

(a) A multiple-choice, fill-in, essay, and/or true-false examination. The number of questions will not exceed 50.

(b) A job-related written assessment designed to evaluate the applicant's knowledge in the specific assignment area.

(c) The examination shall be held as soon as practical, but no sooner than 15 days after the close of filing. A Notice of Examination shall be delivered to all qualified applicants who apply.

(d) Within 10 days after the examination, participants will be notified of their individual results.

2. Oral Interview

(a) The Oral Interview Board shall consist of a minimum of two members from outside of the San Bruno Police Department and a minimum of one person from within the San Bruno Police Department.

1. Oral Board Members shall have experience in the area for which is being tested.

1014.1.4 SCORING

(a) Oral interview and/or written scores will be used to establish a qualification list by rank order.

(a) 100 points maximum for the written.

(a) The written examination, if used, will require 70% or above to receive a passing score.

(b) 100 points maximum for the oral interview.

(a) Individual oral interview scores shall be obtained by adding together the score received from each rater and dividing this total score by the number of raters to arrive at the average score.

(b) An average score of 70% or above is passing.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) The written score will be calculated as 25% and the oral will be calculated as 75% when determining a cumulative score.

(c) In the event of a tie score between participants, the ranking order of finish shall be determined on the basis of seniority.

1014.1.5 ESTABLISHMENT OF QUALIFICATION LIST

(a) Within 10 days of completing the Oral Board interviews, the qualification list, in order of finish and exclusive of numerical values, shall be forwarded to the Chief of Police.

1014.1.6 SELECTION AND APPOINTMENT

(a) Responsibility for final selection and appointment rests with the Chief of Police.

(b) Prior to making a selection, the Chief of Police may:

1. Consider past and current performance,
2. Solicit input from the applicant's immediate supervisor, and/or
3. Interview the applicant directly.

(c) The Chief of Police shall have the rule of the list and may select any qualified applicant, regardless of position on the list.

(d) In the event that no qualified candidate applies for a position, or if the Chief of Police determines that none of the candidates are suitable for appointment, the Chief of Police reserves the management discretion to appoint a qualified person to the position.

(e) Selection by the Chief of Police should normally be made within 30 days of receiving the qualification list. The physical transition to the assignment will be scheduled by the Division CAPTAIN of the position for which is being applied, consistent with personnel availability and sound deployment practices.

1014.1.7 DURATION OF ASSIGNMENT

Assignment to a non-promotional, non-classified, intra-departmental duty position shall be for a **three -year period** , except as follows:

- Canine Handler - This assignment will be for the useful duration of the canine's working life.Unless the handler receives a promotion or their performance is not acceptable.
- Corporal - This assignment shall normally be for a period of three years. *Upon written request of the incumbent, the Chief of Police may grant additional extensions of three year increments.*
- S.W.A.T. and H.N.T. - Once trained for the position, the officer will function in that assignment as required.
- Field Training Officer - Once trained for the position, the officer will function in that assignment as required.
- Administrative Sergeant - This assignment shall normally be for a period of two years.
- I.S.S. Supervisor - This assignment shall normally be for a period of two years.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

- Traffic Sergeant- This assignment shall normally be for a period of two years.
- Narcotics Task Force Agent (NTF)- This assignment shall normally be for a period of two years. *Provided the incumbent agent is willing, and upon a request of the Task Force Commander, the Chief of Police may grant an extension up to one year.*
- DEA/SFO, DEA/METRO, - This assignment shall normally be for a period of three years. *Provided the incumbent agent is willing, and upon a request of the Task Force Commander, the Chief of Police may grant an extension of two, one-year extensions for a total of five years in the position.*

Rotation of assigned personnel shall normally occur concurrently with rotation of Field Services Section personnel.

If an appointment occurs prior to shift change, the duration of assignment shall begin at the shift change after appointment.

The initial and continued assignment to a non-promotional, non-classified, intra-departmental duty position shall be predicated upon continued evidence of satisfactory performance, as reflected in annual job performance evaluations.

Interruption of Assignment - Personnel who experience a significant interruption in their intra-departmental assignment position may request an extension of up to one year. For example, a motorcycle officer who is regularly reassigned to cover shortages in patrol may qualify if the interruption in the aggregate exceeds six months during the three year assignment. Requests for an extension are to be made in writing addressed to the Chief of Police. The memo should set forth the justification for the extension. This section is not meant to cover the occasional or temporary reassignment of personnel to accomplish short term organizational needs.

The Range Master, Assistant Range Master, Canine Coordinator, Defensive Tactics Coordinator, Defensive Tactics Instructor, Reserve Coordinator, Reserve Liaison Officer, Assistant Police Explorer Post Advisor, Hostage Negotiation Team Member, S.W.A.T. Team Member, Peer Support Team Member, or similar functions are not intended to be covered by the examination process set forth in this order. Selection of a Watch Commander or officers to perform these functions will be made at the discretion of the Chief of Police. The positions of Hostage Negotiation and S.W.A.T. Team Member require that the applicant(s) be interviewed by members of the regional team.

1014.1.8 WAIVER OF TESTING PROCESS

In the event the number of qualified applicants for a position does not exceed by two more than the number of vacancies to be filled (i.e.; 1 vacancy - 3 applicants / 2 vacancies - 4 applicants, etc.), the testing process may be waived and the total number of qualified applicants shall be submitted to the Chief of Police for selection and appointment as outlined in Section 1014.1.6

1014.2 APPENDIX INTRA-DEPARTMENTAL JOB DESCRIPTIONS

1014.2.1 CANINE HANDLER

DIVISION AND SUPERVISION:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The Canine Handler is assigned to the Patrol Section of the Field Services Division and is under direct supervision of a patrol Sergeant and the Canine Coordinator.

DUTIES AND ASSIGNMENTS:

The Canine Handler is a uniformed officer assigned to the Field Services Division, responsible to the Watch Commander for all shift duties and the use of the canine. The position typically requires extensive training with the canine. The handler is also responsible for care and maintenance of the canine during off-duty hours.
The officer assigned to this position will be responsible for many important tasks.

TYPICAL DUTIES INCLUDE, BUT ARE NOT LIMITED TO:

1. Documentation of all training and demonstrations.
2. Documentation, in supplemental or original Police reports, of the circumstances surrounding the use of the canine, the extent of any injury to any party, and the type of medical attention received.
3. Instruction of Department personnel in the use and tactics of the canine and in safe conduct around the animal.
4. Care of the animal, including:
   a. It shall be the responsibility of the Canine Handler to keep his/her assigned canine in such physical condition that the canine is able to perform the duties required.
   b. Canine Handlers are required to keep kennel space at their residence and at the Police facility in a clean and sanitary condition.
   c. Canine Handlers are responsible to keep their assigned canine properly groomed, fed, bathed and free from parasites.
5. Canine Handlers are required to attend all regularly scheduled training sessions in order to maintain the proficiency of the canine to perform specific assignments.
6. Canine Handlers shall maintain all canine equipment, including the assigned Police vehicle's interior.
7. Canine handlers shall direct canine responses as follows:
   a. Active apprehension, overtaking, stopping and searching for suspects under appropriate circumstances.
   b. Passive tracking for lost persons.
   c. Evidence collection/location.
   d. Mutual-aid responses when authorized by the Watch Commander.
   e. Public appearance demonstrations, including participation at Police Week and local schools.
   f. Maintenance, documentation, control and security of narcotics used to train the canine.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

QUALIFICATIONS:

In addition to those eligibility standards established in this order, the Canine Handler should possess the following qualifications:

1. The applicant must possess good physical condition and health.
2. The applicant must understand and be comfortable with canines.
3. The applicant must possess good interpersonal relationships with the public and other employees.
4. Other desirable traits include maturity, patience, initiative, flexibility, dependability, enthusiasm and good communication skills.
5. The applicant must reside at a location that will allow for the care of the canine. An approved dog-run must be installed at the home of the assigned canine. The Department will pay for one (1) dog-run, and if extenuating circumstances can be shown, a second run will be considered. In no event will the Department purchase more than two (2) dog-runs. If the Canine Handler moves a third time during the assignment, the Handler will incur the expenses associated with the required dog- run.

Future Department needs or requirements may necessitate changes and/or additional duties.

1014.2.2 CORPORAL
DIVISION AND SUPERVISION:

The Corporal may be assigned to the Field Services Division, Patrol, Administrative Services Division, or to the Investigative Services Section.

DUTIES AND ASSIGNMENTS:

The specific duties associated with the Corporal position will be dependent upon the assignment.

CORPORAL - INVESTIGATIVE SERVICES SECTION:

In addition to the duties identified in the Job Description for the position of Detective, the Corporal will have responsibility to assume command of the Investigative Services Section in the absence of the Detective Sergeant.

CORPORAL - PATROL SECTION:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

In addition to the duties and assignments identified as associated with a Patrol Officer, the Corporal will serve as a Field Training Officer for new Police Officers, Reserve Officers, Community Service Officers and other staff as assigned. In addition, the Corporal will serve as a Watch Commander on an assigned shift in the absence of a Sergeant.

A. Sergeant/On-Duty

When a Sergeant is on-duty and available, routine supervisory activity will remain the responsibility of the Sergeant. The Corporal will assist the Sergeant as directed and will exercise supervisory authority, when the Sergeant is not present, to redirect incorrect or inappropriate conduct or performance.

B. Sergeant/Not On-Duty

In the absence of a Sergeant, the Corporal will be expected to exercise the full range of supervisory activities normally associated with the Sergeant position. Those tasks include, but are not limited to, the following:

- Supervision of law enforcement activities
- Review and approval of Police reports
- Provide direction and supervise officers in the handling of calls for service
- Prepare work assignments
- Evaluate employee work performance
- Conduct briefing and debriefing
- Hold hearings regarding the impounding of vehicles
- Ensure that the Department goals, values and expectations are maintained and adhered to
- Maintain and keep lines of communication open by facilitating input up and down the chain of command
- Identify issues that may adversely affect Department morale, and take steps to resolve problems, concerns or same, while keeping the Sergeants, Lieutenants, etc., informed.

QUALIFICATIONS:

In addition to those eligibility standards established in this order, the Corporal should possess the following qualifications:

1. An understanding that officers assigned to this position may be assigned as Patrol Corporal or Detective Corporal, and a willingness to serve in those functions.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. A willingness and ability to assist with and/or assume supervision of a shift and to provide guidance and direction to sworn Police Officers and other staff.
3. A demonstrated ability and desire to train all levels of personnel in the complex areas of law enforcement.
4. After appointment, successfully complete the P.O.S.T. Supervision and Field Training Officer training courses. Failure to successfully complete these specified courses will result in an officer being removed from this assignment.

Future Department needs or requirements may necessitate changes and/or additional duties.

1014.2.3 ISS DETECTIVE SERGEANT
DIVISION AND SUPERVISION:

The Sergeant will be assigned to supervise the Investigative Services Section of the Field Services Division and is under direct supervision of the Field Services Division Lieutenant.

DUTIES AND ASSIGNMENTS:

The Sergeant will supervise the Investigative Services Section, which assists, but does not relieve, the patrol force with investigations as needed. In addition to the duties of Police Sergeant, other duties include: flexibility in scheduling to accommodate investigations; assignment of case load; investigation of crimes; meeting attendance; court appearances; surveillance, etc. The position requires that the supervisor work with all divisions of the Department to enhance the effectiveness of the organization. Constant transfer of information between Investigative Services, patrol and the administrative staff is essential for maximum effectiveness of the position.
The Sergeant assigned to this position will be responsible for many important tasks.

TYPICAL DUTIES INCLUDE, BUT ARE NOT LIMITED TO:

1. The ability to lead and supervise an investigative unit that conducts follow-up and initial investigation of criminal acts reported to this Department.
2. The ability to act as a communication conduit with the administration, patrol and other divisions within the Department as well as investigators from allied agencies.
3. The ability to be consistent and decisive, making timely decisions.
4. To be clear on performance expectations with all subordinates; hold subordinates accountable for unsatisfactory performance and/or recognizing above-standard performance.
5. The ability to be a resource for subordinates, keeping current on investigative techniques, laws of arrest and appropriate search and seizure case law.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

6. The ability to prepare detailed reports and document necessary information for successful investigation and prosecution of criminal acts and to provide a clear accounting of what occurred, should the Department become involved in civil litigation.
7. The ability to work independently and manage a case load, as well as the need to manage a cohesive unit.
8. The ability and willingness to adjust work hours and maintain flexibility of scheduling when the need requires.
9. The ability to encourage subordinates to analyze crime reports, identify patterns or crime trends, and to organize a proactive response in reducing crime.
10. The ability to develop subordinate personnel, encouraging suggestions for improvement and/ or new projects, enhancing the Section's effectiveness.

QUALIFICATIONS:In addition to those eligibility standards established in this order, the Investigative Services Supervisor should possess the following qualifications:

1. A team player who is a consensus and morale builder.
2. An action and result oriented supervisor who is creative, consistent and decisive, making timely and effective decisions
3. A genuine interest in investigative work and who encourages subordinates to exhaust all reasonable investigative leads and avenues to successfully conclude an investigation.
4. An individual who can interact and communicate skillfully at all levels.
5. An individual who has an understanding that the nature of the case load will require flexibility in establishing and changing priorities.

Future Department needs or requirements may necessitate changes and/or additional duties.

1014.2.4 ADMINISTRATIVE SERGEANT
DIVISION AND SUPERVISION:

The Administrative Services Section Sergeant will be assigned to supervise personnel assigned to the Support Services Section of the Administrative Services Division and is under the direct supervision of the Administrative Services Division Lieutenant

DUTIES AND ASSIGNMENTS:

The Administrative Services Section Sergeant will supervise personnel assigned to the Support Services Section, which assists, but does not relieve, the patrol force and investigators with investigations and other tasks. In addition to the duties of Police Sergeant, other duties require

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

flexibility in scheduling to accommodate the various duties and responsibilities required of the position.

The Administrative Services Section Sergeant is directly responsible for the San Bruno Police Department's recruitment and hiring and shall be the primary liaison with Human Resources for testing dates and screening of applications; background investigation assignments.

The Support Services Officer, School Resource Officer and Field Training Officers fall under the direct supervision of the Administrative Services Section Sergeant.
The Administrative Services Sergeant is responsible for supervision of the Field Training Officer program; Basic Academy liaison, Intradepartmental Assignments Testing, and Explorer Officer Program.

The Administrative Services Section Sergeant is the Department's Training Manager and is directly responsible for all Department Training. The Training Manager is responsible for coordinating the delivery of Law Enforcement Professional Training to sworn and professional personnel. The Training Manager is responsible for ensuring training compliance with POST regulations, federal and state statutes, and city policy. Biannually, the Training Manager will ensure that all employees have been given ethics training consistent with the mission, vision and values of the San Bruno Police Department.

The Training Manager will coordinate scheduled training with the supervisor(s) of the employee. The Training Manager will normally make all travel arrangements, including class reservations and any applicable hotel, airline or rental vehicle reservations and will submit all the necessary paperwork to the Finance Department of the City in compliance with the City of San Bruno Administrative Policy, including authorization, payment and reimbursement for travel, training and general business expense.

The Training Manager will notify each employee as soon as possible of scheduled training and will provide the course title, date, time and location of training.

The Training Manager will distribute remaining paperwork and any reimbursement checks prior to the training. If the scheduled training is a POST certified course, a Training Reimbursement Request (TRR) form must be submitted to the instructor of the course. This form will be provided to the employee and it is the responsibility of the employee attending the training to submit this form.

The Training Manager is responsible for tracking all departmental training.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Intra-Departmental Assignment (SOP)

The Training Manager is responsible for developing the San Bruno Police Department's annual written Training Plan. The purpose of the Training Plan is to:

1. Meet mandated, essential and desirable training requirements.
2. Enhance the level of law enforcement services to the public.
3. Increase the technical expertise and overall effectiveness of our personnel.
4. Provide for continued professional development of department personnel.

The Training Plan shall be designed to identify the training needs and set priorities for the training needs of every rank/position and task/specialized assignment within the department. The Training Plan should be used as an objective tool that assists with bringing uniformity and consistency to training while providing employees with the greatest opportunity for success. It is a tool to be used by supervisors and managers on a regular basis in their effort to meet the training needs of their employees and conducting an annual training-needs assessment of the Police Department. The needs assessment will be reviewed by the Police Department's Training Committee. Upon approval of the Committee, the needs assessment will form the basis for the training plan for the fiscal year. It is the responsibility of the Training Manager to maintain, review and update the Training Plan on an annual basis.

Professional Training is comprised of two categories of training. The first and primary category refers to those courses certified by California Peace Officers Standards and Training (POST). These courses are available for both sworn and professional personnel, whose job description supports the need for specified or requested training.

P.O.S.T. courses are reimbursable to the city's General Fund by the State of California in varying degrees based on their "plan" designation. The categories of expense/ allowance that may be reimbursed are: subsistence, commuter lunch, travel, tuition, back-fill salary and training presentation costs. The five reimbursement plans that have been adopted by POST are designated as Plan I, II, III, IV, and V.

In addition to typical classroom settings, POST training is also available through video or interactive computer programs.

The second category of law enforcement professional training refers to training not certified by POST. This may come in the form of in-house instruction, such as defensive tactics, range training, etc. In-house instruction is the responsibility of the San Bruno Police Department Training Manager. This type of training provides "hands on" continuing professional training to department employees. The Training Manager is responsible for disseminating training bulletins to employees and tracking of these bulletins.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Intra-Departmental Assignment (SOP)

The Training Manager is responsible for ensuring that line supervisors provide roll-call training on a weekly basis to each shift of officers. Roll call training topics include new laws, practical case law application, technological improvements, equipment proficiency, street tactics, standard operating procedures, policy and procedure review. It is the responsibility of the Training Manager to review, approve, assign, and track roll call training.

The Training Manager is responsible for supervision of the San Bruno Police Department's Field Training Officer Program. The Training Manager shall ensure that the Department's Corporals and Field Training Officers meet quarterly with a goal of bringing uniformity and consistency to the Filed Training Officer Program. The Field Training Program Manual shall be reviewed during the quarterly meetings. It is the responsibility of the Training Manager to maintain, review and update the Field Training Manual on an annual basis.

The Administrative Sergeant shall also serve as the South Bay Regional Public Safety Training Consortium liaison and the San Mateo County Training Manager liaison.
The position require that the supervisor work with all divisions of the Department to enhance the effectiveness of the organization. Constant transfer of information between Administrative Services Section, patrol and the administrative staff is essential for maximum effectiveness of the positions. The Sergeant assigned to these positions will be responsible for many important tasks.

TYPICAL DUTIES INCLUDE, BUT ARE NOT LIMITED TO:

1. The ability to lead and supervise personnel assigned to the Support Services Section of the Administrative Services Section.
2. The ability to act as a communication conduit with the administration, patrol and other divisions within the Department as well as allied agencies.
3. The ability to be consistent and decisive, making timely decisions.
4. To be clear on performance expectations with all subordinates; hold subordinates accountable for unsatisfactory performance and/or recognizing above-standard performance.
5. The ability to be a resource for subordinates, keeping current on investigative techniques, laws of arrest and appropriate search and seizure case law.
6. The ability to prepare detailed reports and document necessary information.
7. The ability to work independently and manage a case load, as well as the need to manage a cohesive unit.
8. The ability and willingness to adjust work hours and maintain flexibility of scheduling when the need requires.
9. The ability to develop subordinate personnel, encouraging suggestions for improvement and/or new projects, enhancing the Section's effectiveness.

QUALIFICATIONS:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

In addition to those eligibility standards established in this order, the Administrative Services Section Sergeant should possess the following qualifications:

1. A team player who is a consensus and morale builder.
2. An action and result oriented supervisor who is creative, consistent and decisive, making timely and effective decisions
3. A genuine interest in training.
4. An individual who can interact and communicate skillfully at all levels.
5. An individual who has an understanding that the nature of this assignment will require flexibility in establishing and changing priorities.

Future Department needs or requirements may necessitate changes and/or additional duties.

1014.2.5 TRAFFIC SERGEANT

DIVISION AND SUPERVISION:

The Traffic Sergeant will be assigned to supervise the Traffic Division of Field Services and is under the direct supervision of the Field Services Division Lieutenant.

DUTIES AND ASSIGNMENTS:

The Traffic Sergeant will be charged with supervision of all Motor/Traffic Officers, MAIT, and all Parking Enforcement Community Service Officers. Some of the core duties of this position include, but are not limited to the following:

Review and approval of all collision reports; Management of all incoming traffic complaints; Directing the traffic enforcement activities of patrol; Tracking of relevant collision data; Completion of traffic safety reports; Application for and management of traffic related grant programs; Liaison to the TSPC; Review and approval of road closure permits; Coordinating maintenance of all PAS devices, RADAR and LIDAR units; Overseeing vehicle maintenance; Coordinating new vehicle outfitting and rotation; Completing regular traffic reports for Command Staff and City Government; Other duties as assigned by Command Staff. The Traffic Sergeant may also be required to attend additional training courses, including but not limited to: Intermediate and Advanced Collision Investigation, Forensic Mapping, DUI Checkpoint Administration, RADAR/LIDAR, etc.

QUALIFICATIONS AND ELIGIBILITY

Applicants for the Traffic Sergeant intra-departmental duty assignment shall meet the following basic qualifications at the time of appointment:

1. Hold the rank of Sergeant.

2. Have successfully completed the prescribed probationary period for their current position.

3. Applicants should be thoroughly knowledgeable regarding collision investigations, traffic enforcement strategies, collision statistics and reporting sources, speed enforcement laws, and

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

current traffic safety challenges facing the City. Applicants should also have a genuine interest in traffic safety as evidenced by past work experience and involvement.

Future Department needs or requirements may necessitate changes and/or additional duties.

1014.2.6 DETECTIVE

DIVISION AND SUPERVISION:

The Detective is assigned to the Investigative Services Section of the Field Services Division and is under direct supervision of the Investigative Services Sergeant. Task Force positions fall under this category and are generally supervised/evaluated by the I.S.S. Supervisor.

DUTIES AND ASSIGNMENTS:

The Detective will assist, but not relieve, the patrol force with investigations as needed. The duties require flexibility in scheduling to accommodate investigations and other duties, including investigation of crimes involving juveniles, as assigned by the I.S.S. Supervisor, meeting attendance, court appearance, surveillance, etc. The position typically requires extensive and timely personal and telephone interviews with victims, witnesses, suspects and liaison agencies. Constant transfer of information between Investigative Services, patrol and other sections is essential for maximum effectiveness of the position.

The officer assigned to this position will be responsible for many important tasks.

TYPICAL DUTIES INCLUDE, BUT ARE NOT LIMITED TO:

1. The ability to conduct follow-up and initial investigation of criminal acts reported to this Department.
2. The ability to collect and preserve evidence found at crime scenes and elsewhere.
3. The ability to prepare detailed reports and document necessary information for successful investigation and prosecution of criminal acts and to provide a clear accounting of what occurred, should the Department become involved in civil litigation.
4. The ability to work independently and manage a case load, as well as the need to work as a member of a cohesive unit and to assist other detectives when needed.
5. The ability to act as a communication conduit with patrol and other divisions within the Department as well as investigators from allied agencies.
6. The ability to develop a professional working relationship with the District Attorney’s office, probation and parole departments, and other law enforcement agencies as required.
7. The ability and willingness to adjust work hours and maintain flexibility of scheduling when the need requires.
8. The ability to analyze crime reports and identify patterns or crime trends, and to organize a proactive response in reducing crime.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

9. The ability to develop effective interview and interrogation techniques in obtaining statements from victims, witnesses, suspects or others.
10. The ability and willingness to serve as liaison to County investigative agencies, including, but not limited to, the Narcotics Task Force, North County Gang Task Force, County Investigators Association, etc.
11. The ability and willingness to develop and present lectures and other materials to interested community groups.
12. The investigation, suppression and prevention of delinquent and criminal behavior by youths, including the investigation of molestation, abuse and neglect cases as assigned.

QUALIFICATIONS:

In addition to those eligibility standards established in this order, the Detective should possess the following qualifications:

1. A genuine interest in investigative work and a willingness to exhaust all investigative leads and avenues to successfully conclude an investigation.
2. A genuine interest and willingness to work with other law enforcement agencies, City Departments, public and private agencies, and members of the department to identify, apprehend and prosecute known or suspected violators of criminal law.
3. An individual who can interact and communicate skillfully at all levels.
4. An individual who has an understanding that the nature of the case load will require flexibility in establishing and changing priorities.

Future Department needs or requirements may necessitate changes and/or additional duties.

1014.2.7 CARD ROOM DETECTIVE
DIVISION AND SUPERVISION:

The Card Room Detective is assigned to the Investigative Services Section of the Field Services Division and is under direct supervision of the Investigative Services Sergeant.The Card Room Detective may also report to the Division Captain regarding card room matters.

DUTIES AND ASSIGNMENTS:

The Card Room Detective will be responsible for monitoring the card room’s compliance with Title 4, chapter 4.36 of the San Bruno Municipal Code rules and regulations, the California Gambling Control Act, the California Penal Code and Federal currency transaction laws.The duties require flexibility in scheduling to accommodate the various duties and responsibilities

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

required of the position.This assignment shall normally be for a period of three years with the option of an extension of up to one additional year.
The officer assigned to this position will be responsible for many important tasks.

TYPICAL DUTIES INCLUDE, BUT ARE NOT LIMITED TO:

1. The ability to perform background investigations of all card room work permit applicants, owners of funding sources and funding source key employees.
2. The ability to monitor suspected activities through the card room surveillance systems.
3. The ability to conduct follow-up and initial investigation of criminal acts reported to this Department.
4. The ability to identify, collect, and preserve evidence.
5. The ability to develop and manage informants, and understand the value and process by which intelligence information is developed and cataloged.
6. The ability to prepare detailed reports and document necessary information for successful investigation and prosecution of criminal acts and to provide a clear accounting of what occurred.
7. The ability to work independently and manage a caseload.
8. The ability to act as a communication conduit with patrol and other divisions within the Department as well as investigators from allied agencies.
9. The ability and willingness to adjust work hours and maintain flexibility of scheduling when the need requires.
10. The ability to monitor all casino related crimes such as skimming, cheating, fraud, loan-sharking and hidden ownership.
11. The ability to review and make recommendations to the Division Captain with regard to the approval/denial of all new and modified gambling games, the use of gambling equipment including gaming chips, betting squares on table layouts card shufflers and all other gambling paraphernalia.
12. The ability to develop effective interview and interrogation techniques in obtaining statements from victims, witnesses, suspects or others.
13. The ability and willingness to serve as liaison to State and Federal investigative agencies, including, but not limited to, the California Department of Justice Bureau of Gambling Control, California Gambling Control Commission, etc.
14. The ability and willingness to develop and present lectures and other materials to interested community groups.
15. The primary point of contact for card room owners, management, and supervisors.
16. The ability and willingness to provide training to card room employees to enhance their knowledge of criminal activity that is unique to such establishments.
17. The ability and willingness to manage the registration and background investigation of massage businesses and massage business owners per the San Bruno Municipal Code

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Chapter 4.40, to investigate and monitor their compliance with the municipal code and state law and to be the liaison with the CAMTC (California Massage Therapy Council).
18. The ability and willingness to investigate human trafficking crimes, participate in and host human trafficking/sex trafficking operations such as the San Mateo County STAAR Program (Sex Trafficking Arrest and Rescue) and to be the liaison with various human trafficking non-governmental organizations.
19. The ability and willingness to conduct investigations and inspections for alcohol licensing related laws, rules and regulations and participate in California Department of Alcoholic Beverage Control enforcement programs such as Minor Decoy and Shoulder Tap Decoy programs.

QUALIFICATIONS:

In addition to those eligibility standards established in this order, the Card Room Detective should possess the following qualifications:

1. A genuine interest in card room operations, vice related investigations and anti-human trafficking efforts and the initiative and aptitude to continue to develop and enhance expertise in this area.
2. A genuine interest in investigative work and a willingness to exhaust all investigative leads and avenues to successfully conclude an investigation.
3. A genuine interest and willingness to work with other law enforcement agencies, City Departments, public and private agencies, and members of the department to identify, apprehend and prosecute known or suspected violators of criminal law.
4. An individual who can interact and communicate skillfully at all levels.
5. An individual who has an understanding that the nature of the caseload will require flexibility in establishing and changing priorities.

Future Department needs or requirements may necessitate changes and/or additional duties.

1014.2.8 MOTOR OFFICER
DIVISION AND SUPERVISION:

The Motorcycle Officer is assigned to the Traffic Section of the Field Services Division and is under direct supervision of a patrol Sergeant.

DUTIES AND ASSIGNMENTS:

The Motorcycle Officer is a uniformed officer assigned to the Field Services Division, responsible to the Watch Commander for all shift duties and the use of the motorcycle.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The assignment involves a high level of involvement in traffic-related matters, including the detection and enforcement of traffic violations and the investigation of traffic collisions.
The officer assigned to this position will be responsible for many important tasks.

TYPICAL DUTIES INCLUDE, BUT ARE NOT LIMITED TO:

1. The demonstrated ability to ride a police motorcycle.
2. The ability and willingness to analyze traffic accident reports and statistical data to identify problem locations through comparison with other local, state, and national traffic safety statistics.
3. The ability and willingness to develop enforcement strategies to combat traffic violations at identified locations.
4. The ability and willingness to identify specific traffic safety problems through the collection of traffic collision data and facilitate enforcement efforts within patrol to reduce collisions and reduce injuries related to vehicle accidents.
5. The ability to develop statistical gathering methods to ensure compliance with grant requirements and/or Department goals.
6. The ability to make presentations to boards, allied agencies and commissions, including the Traffic Safety and Parking Committee.
7. The ability to prepare and make presentations to public and civic groups on topics related to traffic safety.
8. The ability to conduct initial and follow-up investigations of major injury and fatal traffic collisions.

QUALIFICATIONS:

In addition to those eligibility standards established in this order, the Motorcycle Officer should possess the following qualifications:

1. After appointment, must successfully complete a basic P.O.S.T. certified Motorcycle Training course of instruction on the operation of a police motorcycle. In addition to the basic course, attend courses of instruction in topics related to traffic accident investigation, including skid analysis and accident reconstruction. Failure to successfully complete the specified courses will result in the officer being removed from the assignment.
2. Must have a detailed knowledge of the California Vehicle Code and the Department of Highway Patrol - Collision Investigation Manual.
3. Must demonstrate the ability to take appropriate enforcement action on traffic violations.
4. Must have the ability and desire to work cooperatively with other employees.
5. Must demonstrate the ability to handle adverse citizen-contacts with a professional and courteous demeanor.
6. Must demonstrate good written and verbal communication skills.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Future Department needs or requirements may necessitate changes and/or additional duties.

1014.2.9 SCHOOL RESOURCE OFFICER

DIVISION AND SUPERVISION:

The School Resource Officer is assigned to the Support Services Section of the Administrative Services Division and is under direct supervision of the Adminstrative Services Sergeant.

DUTIES AND ASSIGNMENTS**:**

The School Resource Officer will assist but not relieve, the patrol force with the investigation of incidents requiring a prolonged commitment of resources involving crimes or incidents that occur on or near school campuses. The duties require flexibility in scheduling to accommodate investigations and attendance of school related functions. The position typically requires extensive and timely telephone contacts with various liaison agencies. The constant transfer of information between Support Services, I.S.S., patrol and schools is essential for maximum effectiveness of the position.

TYPICAL DUTIES INCLUDE, BUT ARE NOT LIMITED TO:

1. The diversion of juvenile offenders out of the criminal justice system by working with the schools, juvenile court, juvenile probation, parents, youth, and other groups aimed at the prevention of juvenile crime and the rehabilitation of the juvenile offender.
   A. Attend the monthly Police, Court, Probation, School, and Youth Service Agencies Meetings.
   B. Attend quarterly Youth Service Bureau meetings.
2. Visitations on assigned school campuses to develop a positive and professional rapport with administrators, teachers, students, staff and PTA groups.
   A. Attend weekly meetings with school personnel.
   B. Upon request, prepare and provide a variety of presentations related to school safety and prevention of juvenile crime.
   C. Meet with the Superintendent or a representative of the Superintendent on a regular basis.
3. Identify existing and potential youth-related problems within the schools, and work with patrol and school personnel to resolve the problems.
4. Coordinate the Department's High School Police Academy.
5. The preparation and presentation of criminal cases to the District Attorney's office or to the City Attorney.
6. Serve as Police Explorer Post advisor.

QUALIFICATIONS:

In addition to those eligibility standards established in this order, the School Resource Officer should possess the following qualifications:

1. A genuine interest in interacting with juveniles, parents, and schools with the objective of encouraging good citizenship and non-delinquent behavior.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. A genuine interest and willingness to work with other city departments, public and private agencies, and members of the department to prevent juvenile crime and exploitation.
3. An individual who is outgoing and has the ability to interact and communicate skillfully at all levels.

Future Department needs or requirements may necessitate changes and/or additional duties.

1014.2.10 SUPPORT SERVICES OFFICER
DIVISION AND SUPERVISION:

The Support Services Officer position is assigned to the Support Services Section of the Administrative Services Division. The Support Services Officer reports directly to the Administrative Sergeant.

DUTIES AND ASSIGNMENTS:

The duties require flexibility in scheduling to accommodate the various duties and responsibilities required of the position.

Duties include, but are not limited to:

Identifying and utilizing resources of the City to resolve on-going neighborhood issues and chronic calls-for-service with emphasis on a Community Oriented Policing and Problem Solving approach; conduct pre-employment background investigations; conduct investigations involving licenses issued pursuant or governed by the City's Municipal Code; Primary liaison to the Planning Department in evaluation and implementation of security considerations in residential and commercial construction; Conduct residential and commercial security checks on request; Primary liaison to the Citizen's Crime Prevention Committee; Preparation of Department General Orders; Coordinate Police Week and the Citizen's Police Academy; and serve as assistant advisor for Police Explorer Post.

QUALIFICATIONS:

In addition to those eligible standards established in this order, the School Resource Officer should possess the following qualifications:

1. A genuine interest in interacting with the public with the objective of problem solving/ community oriepted policing.

2. A genuine interest and willingness to work with other city departments, public and private agencies, and members of the department to seek out resolutions to issues affecting the citizens of San Bruno.

3. An individual who is outgoing and has the ability to interact and communicate skillfully at all levels.

Future Department needs or requirements may necessitate changes and/or additional duties.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1014.2.11 SWAT TEAM MEMBER

DIVISION AND SUPERVISION:

The SWAT Team Member will be assigned on an on-call basis to the North County Regional (NCR) SWAT Team. The members will be under the direct supervision of the San Bruno NCR SWAT Team Liaison.

DUTIES AND ASSIGNMENTS:

The Special Weapons and Tactics (SWAT) Team comprises highly-trained police officers from the San Bruno, Burlingame, South San Francisco, Brisbane, Hillsborough and Foster City Police Departments, who are capable of handling dangerous situations that necessitate more than a routine police response. They are specifically trained to assist patrol operations with “high risk” incidents, including but not limited to: armed and dangerous subjects; barricaded subjects; hostage rescues; assist with the service of search and arrest warrants where there is a potential for violence, and any critical incident where the requesting agency believes the SWAT Team’s presence will increase the likelihood of a safe and successful resolution.

SWAT Team Member reports to the San Bruno SWAT Team Liaison when notified that a tactical response is needed on a critical incident that has occurred within the County. The position typically requires extensive training with the SWAT Team.

TYPICAL REQUIREMENTS INCLUDE, BUT ARE NOT LIMITED TO:

1. The ability to participate and successfully complete demanding tactical training and rigorous physical activity.
2. The ability to follow orders without question, work closely with other SWAT Team members, and have a willingness to put the Team ahead of the individual.
3. The ability to work as a team-player.
4. Successful completion of an CA POST certified basic SWAT course, including a physical condition pretest. Failure to successfully complete the course will result in the removal of the member from participating on the SWAT Team, and another candidate will be selected.
5. Successfully pass all firearms and related SWAT training as determined by the SWAT Team Leaders, Team Commander and SWAT firearm instructors.
   a. It shall be the responsibility of the Team member to keep his/her assigned equipment in proper working order and available at a moment’s notice to perform the duties required.
6. Achieve a minimum overall “standard” evaluation on the past two evaluations.
7. Display common sense and practical reasoning during times of high stress.
8. Possess an understanding of the Incident Command System and its components.
9. Maintain physical fitness while assigned to the SWAT Team and successfully pass regular SWAT Team physical-fitness testing as required.
10. Attend mandatory training, approximately 8-16 hours per month, and be prepared to train long and/or extended hours during the day or night, including days off.

DURATION OF ASSIGNMENT:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

During the first probationary year, the newly appointed SWAT Team Member may be removed from the SWAT Team if that officer fails to meet any of the following requirements:

1. Successfully pass and complete any required training course.
2. Qualify at any firearms course with special weapons or equipment used by the SWAT Team.
3. Attend all required scheduled SWAT training sessions.
4. Meet any other requirement(s) of the SWAT Team or the Department.

Having successfully completed the probationary period, the new SWAT Team officer will advance to regular status on the Team. SWAT Team Members may be removed from the SWAT Team at any time if the Chief of Police,SWAT Team Liaison and/or SWAT Team Commander feel that the officer failed to meet any of the required duties or obligations of the SWAT Team.

REQUIRED AGILITY TEST:

SWAT Team Members are required to pass the following physical-mobility training:

Tactical Obstacle Course:

Wearing whatever personal exercise equipment is desired, the candidate must complete an 880-yard course, consisting of two laps and three job-related tasks on a 440-yard oval running track in less than 4 minutes and 30 seconds.

At the 220 to 260 yard mark the candidate must negotiate a 40-yard running weave consisting of 9 cones, 5 yards apart with a lateral dispersion of 5 yards. Candidates must run to the left of cones positioned to the inside of the track and to the right of cones positioned to the outside of the track.

At the 440-yard mark, candidates must stop and drag a supine victim 10 yards to safety. The SWAT rescuer must complete the 10-yard rescue drag with no assistance from the victim. The victim, who will be attired in his/her SWAT body armor and helmet, should weigh a minimum of 150 pounds and a maximum of 250 pounds. The victim's feet may be the only part of his/her body that is in contact with the track during the rescue drag.

At the 660-yard mark, the candidate must negotiate the running weave, this time dropping to the prone position (chest and hands in contact with the track) behind each of the 9 alternately positioned cones. The candidate must then complete the run to the finish line in under 4 1/2/ minutes.

(Two minute rest interval)

PUSH UPS:

The candidate must complete 35 push-ups. Chest must come within 4 inches of the ground on each push-up. Must complete all 35 push ups within one minute.

(Two minute rest interval)

SIT UPS:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The candidate must complete a total of 65 situps with feet on the floor, knees bent and arms passing through knees. Must complete all 65 sit-ups within 2 minutes.

(Two minute rest interval)

PULL UPS:

The candidate must come to a complete arms extended, full body hang, from a pull up bar with palms facing back. They then must be able to complete 5 full pull ups, each time clearing the chin above the bar without body kipping and coming to a full extended hang after each pull-up. Not timed.

(Two minute rest interval)

6’ WALL / FENCE

The candidate, while wearing a tactical vest, helmet, and slung rifle; must ascend the 6’ wall and down the other side. Then, must turn around and climb back over the chain link fence side and down the other side to the finish line within 20 seconds.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Shift Assignments/Rotation and Briefing (SOP)

1015.1 PURPOSE AND SCOPE

It is the policy of the San Bruno Police Department that all Field Services Division personnel become diversified in all aspects of patrol. To accomplish this, a shift assignment/rotation program shall be implemented. It is also recognized that personnel should be familiar with incidents requiring a police response that occurred while they were off-duty; therefore, members of the Department are to attend a roll call briefing at the beginning and end of each shift.

1015.2 SHIFT DESIGNATIONS AND TIMES

(a) Generally, the Field Services Division shall operate on five shifts. Shifts shall be indicated as follows:

1.	A Watch	0700-1900
2.	B Watch	1900-0700
3.	C Watch	0700-1900
4.	D Watch	1900-0700
5.	Tanforan/Towne Center Shift	1100-1900 mall 1900-2300 patrol

1015.3 SHIFT ROTATION

Shift rotation will normally occur during the months of March and September of each year. The purpose of these times is to coincide as closely as practical to class periods of local colleges.

1015.4 ASSIGNMENTS

(a) Shifts shall be assigned on a seniority basis, except in the following situations:

1. Probationary officers may be assigned to any shifts for familiarization and training purposes
2. When the Field Services Division Lieutenant deems the assignments necessary to fill an individual Departmental need.
3. Shift assignments may be changed by the Field Services Division Lieutenant to suit the Department's needs.

(b) The sign-up sheet shall be made available sixty days prior to the shift rotation.

(c) Shift assignments shall not be changed without the approval of the Field Services Division Lieutenant.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1015.5 ROLL CALL BRIEFING

(a) All roll-call briefings should be held in the Squad Room. A thirty-minute time period is allowed for briefing purposes, which includes a pre-shift checking of assigned patrol vehicles. Patrol personnel are expected to go in service as soon as the briefing material is covered.

(b) Watch Commanders will ensure acceptable personnel appearance by conducting inspections as needed during briefing.

(c) Members of the Department shall be punctual in reporting for duty with appropriate attire. No on-duty time may be used for assembling or dressing for duty.

(d) Watch Commanders will make patrol assignments and review all information and reports pertinent to the shift.

(e) Watch Commanders shall deliver a completed Form #29 (Beat Assignments Sheet) to the dispatcher immediately after briefing is concluded.

1015.6 DEBRIEFING

(a) A thirty-minute time period is allowed for debriefing, which includes completion of all C.A.D. entries from concluded shift assignments. The on-duty Watch Commander has the discretion to modify the debriefing time period.

(b) It shall be the responsibility of the on-duty Watch Commander to ensure that the briefing and debriefing work areas are maintained in a clean and orderly manner.

    (a) Personal equipment, uniform attire, personal clothing and property shall not be left in the Squad Room or Lunch Room, except during briefing or debriefing time periods.

    (b) Equipment and/or supply needs shall be reported to the on-duty Watch Commander

1015.7 BEAT SYSTEM

(a) The City is divided into a three-beat system operative on all watches. Tanforan shall be considered an additional beat during normal operating hours.

(b) The beat boundaries are as follows:

    (a) Beat One:

        (a) East of I-280

        (b) San Bruno Avenue and areas north to the City limit

        (c) All areas East of Huntington Avenue

    (b) Beat Two :

        (a) East of I-280 and Cunningham Way and South to Crystal Springs Road following an imaginary line West of the San Bruno Senior Center to the South City limit.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) All areas South of San Bruno Avenue and West of Huntington and San Antonio Avenues.

(c) Beat Three: I-280 and all areas West including that portion of Crystal Springs Road that is West of the San Bruno Senior Center.

(d) Tanforan Mall Beat: Tanforan mall, including parking lots.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Commendations and Awards

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the San Bruno Police Department and individuals from the community.

1016.2 POLICY

It is the policy of the San Bruno Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1016.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any Department member or by any person from the community.

1016.3.1 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name, bureau, and assignment at the date and time of the commendation

(b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate

(c) Signature of the commending supervisor

Completed reports shall be forwarded to the appropriate Division Lieutenant for his/her review. The Division Captain shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the Administrative Secretary for entry into the employee's personnel file.

1016.4 AWARDS BOARD (SOP)

A. ESTABLISHMENT:

An Awards Board is hereby established, and will be responsible for evaluating and classifying commendation reports and for recommending appropriate action to the Chief of Police.

B. MEMBERSHIP:

The Board will be comprised of five San Bruno Police Department employees under the supervision of the Division Captain who will act as Chair:

1. Allocation of Membership: The Board will be comprised of one sergeant, one officer, one clerk, one dispatcher and one Community Service Officer.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. Appointment to Board: The Division Captain will recommend representatives to the Chief of Police.
3. Term of Membership :Each of the representatives will serve on the Board for a two-year term.
4. Number Required for Quorum:At least three of the five representatives must be present to vote on commendation reports.Each representative will have one vote.
5. Frequency of Meetings: The Board will meet as needed at the call of the chairman to review such commendation reports as are forwarded to it according to prescribed procedures.

1016.5 CLASSIFICATION OF AWARDS (SOP)

A. MEDAL OF HONOR: To be awarded to any Police Department employee who at the risk of such employee's own life, displays extreme courage, bravery and devotion to duty in exposing him/herself to grave danger notwithstanding the employee's own imminent peril.The Medal of Honor recipient must have knowledge that there was an awareness of the imminent threat to physical safety at the time the action was performed.

B. DISTINGUISHED SERVICE MEDAL: To be awarded to any Police Department employee who distinguishes him/herself in the performance of such emplyee's duties under unusual, complicated, or hazardous conditions where the employee used excellent judgment in accomplishing an assigned mission.This may also be awarded to any employee whose actions and training directly result in saving or preventing the loss of human life.

C. PURPLE HEART: To be awarded to any Police Department employee who receives a serious injury inflicted by a hostile person while in the performance of their duty.

D. ARTHUR MEEHAN/ALBERT COTURRI SPECIAL MERIT MEDAL: To be awarded to any Police Department employee for performing other specially meritorious police work not covered in the above categories such as: Community service work: Outside volunteer services; Day-to-day excellence. It may also be awarded in conjunction with the Chief's Commendation or Employee of the Quarter.

E. CHIEF'S COMMENDATION: To be awarded to members of the Department for continuous, outstanding and exemplary performance of their assigned duties which enhance the Department's ability to meet its objectives.

F. CAPTAIN'S COMMENDATION: commendations for actions or performance, which is well above average in quality but not sufficiently outstanding to justify any of the foregoing awards.

1016.6 CRITERIA

All Department members and employees are eligible to receive awards.

A. SOURCE OF NOMINATION:Nominations for awards may come from any individual within or outside the Department.

B. METHOD OF NOMINATION:When a member or employee performs an act worthy of consideration of a Department award, or the act is brought to the attention of the committee, it

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

will be submitted on a memorandum form that will be forwarded to the Captain of the nominee's Division.Included in this memorandum will be full documentation of the incident, the name of the employee(s) commended and the circumstances of the event in chronological sequence; charts, diagrams, witnesses, or photographs may be included, if warranted.
C. LIEUTENANT'S RESPONSIBILITIES:The nominee's Lieutenant will review the report and forward it to the Awards Board which is responsible for evaluating, classifying, formal preparation of award reports and recommending appropriate action to the Chief of Police.
EXCEPTION:Recommendations for a Chief's Commendation will be processed through the Chain of Command as in a Captain's Commendation.

1016.6.1 AWARD COMMITTEE PROCEDURES
A. EVALUATION: The chairman or an agent of the chairman will review all nominations for completeness and accuracy. The nomination may be returned to the originator for further information. The Awards Board will evaluate the basis of nomination for the awards from all those submitted and will recommend which type of award is merited, if any. In each case, it may also conduct any necessary additional investigation of the incident and shall provide to the Captain of the initiating Division an explanation for any disapprovals.
B. SELECTION OF RECIPIENTS: The Awards Board will select the person(s) to receive awards. A simple majority vote of Board members will decide.
Any member of the Board may request to be excluded in the consideration of a nominee for an award. Nominations for awards will be forwarded to the Chief of Police.
C. CHIEF'S APPROVAL: Upon receipt of the nominations, the Chief of Police may approve or disapprove the Board's recommendation; however, if disapproval occurs, the Board may petition the Chief of Police to review the disapproved recommendation.
D. PLACEMENT IN PERSONNEL FILE: The Board may return a nominee's application to the Captain of the initiating Division recommending that the letter for commendation be inserted in the individual's personnel file as a Captain's Commendation. The Board may add its own Letter of Commendation to that of the original.

1016.6.2 COMMUNITY MEMBER DOCUMENTATION
Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:
    1. For members of the Department name, division and assignment at the date and time of the meritorious or commendable act
    2. For individuals from the community - name, address, telephone number
(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
(c) The signature of the person submitting the documentation.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1016.7 AWARD PRESENTATION

A. The Chief of police will present awards in categories A, B, C and D of Section 1016.5 of this order at a time and location determined by the Chief of Police.

B. Two separate wall plaques will be permanently displayed within the Department. The names of person(s) awarded the Medal of Honor and Distinguished Service Medal will be inscribed on the plaque.

C. The news media may be advised about recipients of these awards.

1016.7.1 EXECUTIVE OPTION

The Police Chief may act outside of the specific guidelines of this Policy if circumstances exist concerning awards and commendations that are not herein covered and are circumstances that, in the Chief of Police's opinion, need to be acted upon without delay.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Fitness for Duty

1017.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1017.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1017.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Watch Commander or employee's available Lieutenant, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1017.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1017.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of the Lieutenant responsible for the division any employee whose actions or use of force in an official capacity resulting in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1017.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources Department to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/ grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/ or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1017.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 32 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1017.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Meal Periods and Breaks

1018.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1018.1.1 MEAL PERIODS

Sworn employees dispatchers and clerks shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers should request clearance from Dispatch prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1018.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Lactation Break Policy

1019.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

1019.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1019.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1019.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1019.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

1019.5.1 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Payroll Records

1020.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1020.2 POLICY

The San Bruno Police Department maintains timely and accurate payroll records.

1020.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their command.

1020.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administrative Services as established by the City payroll procedures.

1020.5 RECORDS

The Administrative Services Division Captain shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Compensatory, Holiday and Vacation Time (SOP)

1021.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of accumulated time off. Due to the nature of the work and operational needs, a degree of flexibility concerning time-off must be maintained.

1021.2 VACATIONS

(a) No vacation time may be taken in advance of the date it is actually accrued.The ratio at which vacation time is earned will vary with the tenure of the employee; however, vacation time is earned at the end of each pay period.

(b) All personnel should understand every reasonable effort will be made to grant priority to scheduled vacation time off.However, in the event of an emergency or other unexpected staffing shortages, vacation dates may be altered beginning with those with the least amount of seniority.

(c) No priority will be given to individual's vacation days scheduled for less than one (1) full work week, except where they are being taken in conjunction with a scheduled vacation of at least one full work week.Non-priority vacation days shall be handled in the same manner as compensatory time off.

1021.3 VACATION SIGN-UP

(a) The vacation sign-up will be distributed with the shift sign-up every six months, with the exception of the Records Section which will sign up annually. The sign-up shall begin by rank, excluding Corporals and proceed by seniority to the least senior employee in each division. Each division may have a separate sign-up list.

(b) At the time of the selection, each employee shall initial and date on the line next to their name.

(c) Employees have three scheduled working days to sign up, once it is their turn.

    (a) Should an employee elect not to sign up for vacation within the three scheduled working days, that employee will be passed over and the next senior employee may make their selection. The supervisor will note on the sign-up sheet that the employee has been passed over.

    (b) If an employee elects to "pass", the employee should indicate this next to their name on the sign-up sheet. This will enable the process to move forward to the next employee.

    (c) Where an employee voluntarily passes their turn or fails to make a vacation selection within the specified time period, the employee may at any time during the sign-up process reclaim their seniority rights. That employee will then have one day in which to choose a vacation date that will not interfere with any date(s) selected up to that point.

    (d) Vacation selections made by employees on the shift sign-up shall be imported into the department schedule program by the respective supervising lieutenant.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(d) All vacation choices shall be at least one standard work week and will be limited to three consecutive work weeks per selection unless otherwise approved by the employee's Division Lieutenant.

(e) Employees choosing not to take all of their vacation at the same time may, at a later time, submit a request via the department schedule program requesting a particular week off. Personnel choosing to request vacation in this manner must ensure that there is no vacation sign-up in progress and that their requested date(s) do not interfere with previously selected vacation dates. Such requests will be granted on basis of the chronological order in which they were received. Request for the same date, received at the same time, will be granted on the basis of rank and seniority.

(f) Employees in certain classifications working the same shift may be allowed to overlap a specified number of vacation days, while other classifications will not be allowed to overlap vacation days, regardless of shift.

  (a) Sergeants and Corporals working the same shift will not be allowed to schedule vacation for the same dates.

  (b) Traffic officers shall sign up for vacation independently of patrol personnel and on a separate sign-up schedule. Only one traffic officer may be scheduled for vacation at a time.

  (c) Public Safety Dispatchers will not be allowed to overlap vacation days with others in the same classification.

  (d) Police Clerks and community Service Officers may overlap vacation days when it does not require backfill to meet the necessary staffing level.

(g) No vacation will be confirmed until such time as the employee's supervisor receives a request via the department schedule program, 60 (sixty) in advance of the scheduled vacation date(s) for sworn personnel and non-sworn personnel.

(h) Supervisors shall monitor the vacation sign-up to ensure it progresses in a timely manner.

1021.4 COMPENSATORY/HOLIDAY TIME OFF

(a) Holiday and compensatory time off will not be given the priority assigned to vacation time. Holiday and compensatory time off will be granted based on the operational needs and schedules between the department and the employee.

(b) Absent certain exigent exceptions approved by a supervisor, members of the department, other than those assigned to patrol, dispatch and essential clerical positions, shall take holiday(s) off on the same day the holiday is observed by the City.

(c) Employees who must work on the holiday will be compensated in one of the following two ways: accrual of accumulated time off (compensatory time). Monetary compensation or accumulated time off will be accrued in accordance with the Memorandum of Understanding (MOU).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(d) Employees will be permitted to accumulate up to a maximum of 80 hours of compensatory time off (comp time). No comp time may be used in advance of the actual date it is accrued.

(e) Members of the department should attempt, with their supervisor's approval, to take time off to ensure their accumulated time does not exceed 80 hours.

(f) Generally, requests for holiday and compensatory time off will be granted as long as the shift does not drop below the minimum authorized staffing level.

  (a) The supervisor or division lieutenant may deny a time off request due to an actual or anticipated increase in call volume associated with a specific event or date, such as the Fourth of July, Halloween.

  (b) The supervisor or division lieutenant may grant the request and backfill staffing to meet the minimum personnel level when the shift is at minimum due to an unexpected vacancy that occurred on the shift. Unexpected vacancies can include but are not limited to long-term medical or disability leaves, training leaves that exceed one week and extended military leave.

  (c) When the shift minimum is due to another employee already having been granted the same time off, the requesting employee will be asked to select another day to use compensatory or holiday time off.

  (d) Generally, requests from non-sworn personnel for holiday and compensatory time off will not be granted if there is already another employee in the same classification on vacation, holiday or other approved compensatory time off on the date(s). The Division Captain or Lieutenant may grant an additional request where unusual circumstances warrant the approval or if the original request is less than a full shift.

(g) Request for compensatory or holiday time off should be made at least four days in advance via the department schedule program. When such advance notice is not given the request(s) may be granted at the discretion of the on-duty watch commander.

  (a) Such requests will be granted on the basis of the chronological order in which they were received. Requests for the same date, received at the same time, will be granted on the basis of rank and seniority.

  (b) Requests will not be accepted via the department schedule program prior to 60 (sixty) days in advance of the requested date(s).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Overtime Compensation Requests

1022.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit an overtime submission via the department schedule program as soon as practicable after overtime is worked.

1022.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) shall be handled in accordance with agreed upon MOU.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 80 hours of total accrued compensatory time.

1022.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests via the department schedule program (PlanIt) to their immediate supervisors as soon as practicable for approval.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1022.2.1 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1022.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Outside Employment

1023.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1023.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

1023.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Inter-Office Memo which shall be submitted to the employee's immediate supervisor. The memo will then be forwarded through the chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved memo. Unless otherwise indicated in writing on the approved memo, authorization to partake in outside employment will be valid through the end of the calendar year in which the memo is approved. Any employee seeking to extend outside employment for a greater time that was originally authorized shall submit a new memo requesting such in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1023.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's request for Outside Employment is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1023.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment authorization may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment authorization.

(b) Suspension or revocation of a previously approved outside employment may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment request, an employee's conduct or outside employment conflicts with the provisions of department policy, the authorization may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment authorization may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1023.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

(d) Involves time demands that would render performance of the employee's duties for this department less efficient

Examples of outside employment which are inconsistent, incompatible, or in conflict with law enforcement, but are not limited to:

(a) Security guard

(b) Private investigator

(c) Bartender

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(d) Bouncer

(e) Sales clerk in a liquor store; or gun dealership

(f) Process server

(g) Repossessor

(h) Debt collections/collector

(i) Legal practice of Criminal Defense

(j) Employment in any gaming club establishment

(k) Bodyguard/executive protection

(l) Any position requiring the wearing of a uniform which resembles that of a peace office

Requests for outside employment by members of this department designated as Reserve Police Officers shall be evaluated on a case by case basis.

1023.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.

2. The officer(s) shall be subject to the rules and regulations of this department.

3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.

4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.

5. Outside security services shall not be subject to the collective bargaining process.

6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1023.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE
Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1023.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Division Captain, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1023.4 DEPARTMENT RESOURCES
Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1023.4.1 REVIEW OF FINANCIAL RECORDS
Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1023.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1023.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee’s failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the San Bruno Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Occupational Disease and Work-Related Injury Reporting

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1024.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1024.2 POLICY

The San Bruno Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1024.3 RESPONSIBILITIES

1024.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1024.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification policies apply and take additional action as required.

1024.3.3 DIVISION CAPTAIN RESPONSIBILITIES

The Division Captain who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administrative Services Division Captain to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1024.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Human Resources Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file maintained by the City Human Resources Department.

1024.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, entitled, "Declination of Treatment Packet" which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Captain through the chain of command and a copy sent to the Records and Dispatch Supervisor for forwarding to the City Workers Comp Coordinator.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1024.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1024.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Personal Appearance Standards

1025.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, members shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1025.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all memberss, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1025.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1025.2.2 FACIAL HAIR

(a) Beards must not exceed one inch in total length.

(b) Beards must be neatly trimmed and well-maintained at all times.

(c) Beards/mustaches/goatees must not be braided or fashioned into intricate designs.

(d) A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip, and so that no part of the mouth is covered.

(e) No unnatural coloring is allowed.

(f) No ornaments or decorative accessories are allowed.

(g) The neck must be clean-shaven, and the perimeter lines of the beard shall be neatly trimmed and defined.

(h) Sideburns that are not connected to a compliant beard must be neatly trimmed and must not extend beyond the upper opening of the ear.

(i) All members with beards will be expected to keep a razor in their possession in order to maintain a proper seal in the event that they need to don a respirator mask.

REVIEW PROCESS

(a) Facial hair that is considered inappropriate by a manager, supervisor or co-worker shall be brought to the attention of the member’s immediate supervisor.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Upon the determination of the immediate supervisor, the member shall be directed to alter or remove the facial hair in question until the appeal process is completed.

(c) Should the member contest the determination of the immediate supervisor, the member shall submit a memo, including a photograph of the facial hair in question through their chain of command to the Chief of Police.

(d) The Chief of Police will review the facial hair in question and determine if it is in compliance with this Policy.

(e) The Chief of Police shall have final authority as to determining the appropriateness of facial hair.

1025.2.3 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to members or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1025.2.4 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings shall be small and worn only in or on the earlobe.

(c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1025.3 TATTOOS

It shall be the policy of the San Bruno Police Department to allow visible brandings and tattoos by members.

DEFINITIONS

(a) BODY MARKINGS – Tattoos, brandings, scarifications, or intentional disfigurements.

(b) TATTOO – Marking of the skin with indelible designs, forms, figures, art, etc., by making punctures in the skin and inserting pigment.

(c) BRANDING – Intentional burning of the skin for the purpose of creating a design, form, figure, or art.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(d) SCARIFICATION – Intentional cutting of the skin for the purpose of creating a design, form, figure, or art.

(e) INTENTIONAL DISFIGUREMENT – The intentional disfigurement or mutilation of the body. Examples include, but are not limited to, split or forked tongues, foreign objects inserted under the skin, or holes in the ear larger than those caused by normal piercing.

(f) COSMETIC TATTOOS – A cosmetic technique that employs tattoos as a means of producing designs that resemble makeup, such as eyeliner, eyebrow darkening, and other permanent coloration of the skin of the face, lips, and eyelids. Cosmetic tattoos shall not be considered tattoos for the purposes of this policy so long as they would not constitute a violation of any other Department policy if they had been applied using a temporary technique such as conventional makeup.

(g) MEDICAL TATTOOS – A tattoo applied for medical purposes. (i.e., as a warning that the patient suffers from a chronic disease or as a “marker” to aid in medical personnel in performing a medical procedure.)

Members may display tattoos and/or brandings in the workplace, however, they are prohibited from displaying tattoos and/or brandings on the face, neck, or hands (an exception is reserved for single finger ring tattoos which must not extend beyond where a ring would normally rest on the finger, between the lowest knuckle and the hand. Ring tattoos must be a band-style around the finger and no greater than ¼” in width).

Scarification and intentional disfigurement are prohibited. Permanent cosmetic tattoos and medical tattoos are exempt from this policy.

Members shall not display tattoos and/or brandings that are inappropriate. Inappropriate tattoos and/or brandings may include, but are not limited to, those that exhibit or advocate discrimination towards gender, race, religion, sexual orientation, ethnicity or national origin; gang affiliation, supremacist or extremist group affiliation; drug use; nudity, sexually explicit acts; or other obscene material.

Members who display a tattoo and/or branding that is viewed as inappropriate by a manager, supervisor, or co-worker must conceal the tattoo. The member may appeal the decision by submitting a memo, along with a photo of the tattoo in question to the Chief of Police, via the Chain of Command. The final authority regarding the appropriateness of a tattoo and/or branding rests with the Chief of Police. Tattoos viewed as inappropriate shall be concealed by wearing a long sleeve uniform shirt or dark navy colored neoprene sleeve. Members shall have discretion as to how tattoos and/or brandings are covered provided no other policy is violated in doing so.

Exemptions or modifications to this policy must be approved by the Chief of Police.

REVIEW PROCESS

(a) A tattoo and/or branding that is considered inappropriate by a manager, supervisor or co-worker shall be brought to the attention of the member’s immediate supervisor.

(b) Upon the determination of the immediate supervisor, the member shall be directed to cover up the tattoo and/or branding in question until the appeal process is completed.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) Should the member contest the determination of the immediate supervisor, the member shall submit a memo, including a photograph of the tattoo in question through their chain of command to the Chief of Police.

(d) The Chief of Police will review the tattoo and/or branding in question and determine if it is in compliance with this Policy.

(e) The Chief of Police shall have final authority as to determining the appropriateness of tattoos and brandings.

1025.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but are not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d)

1025.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Uniform Regulations

1026.1 PURPOSE AND SCOPE

The uniform policy of the San Bruno Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The San Bruno Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1026.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Employees of the Department shall own and maintain, in good order, a regulation uniform. All articles of uniform shall conform to these regulations and shall fit properly. Civilian clothing will not be worn with any distinguishable part of the uniform. Exception: a jacket worn over the uniform shirt, when authorized.

(b) Employees shall not wear any portion of their uniform while off-duty, except when going to or from their home at the beginning or conclusion of their regular tour of duty, which includes court appearances. A long-sleeve jacket or shirt shall be worn over the uniform shirt, concealing the patches, when traveling out of the City off-duty.

(c) Uniforms shall be kept neat, clean, and well-pressed at all times. Employees, while in uniform, shall maintain a professional demeanor and appearance.

(d) Normally, employees will wear the regulated uniform on tour of duty; however, a supervising officer may allow/permit other clothing as required by the nature of the duty to which a particular employee is assigned.

(e) Uniform employees shall have a casual civilian-type jacket capable of covering their uniform shirt available on the premises of the Department so they may perform plainclothes duty as required.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(f) All articles of clothing, including uniforms, insignias, and equipment worn or carried by Departmental employees shall fit properly, be in clean, good working order, and conform to Department specifications.

(g) Uniforms shall be of the material and style prescribed in this order, and shall not be altered or modified in any manner unless authorized in writing by the Chief of Police. Normal tailoring of the uniform is permitted.

(h) Jewelry or personal ornaments, other than those authorized in this order, shall not be worn on any part of the uniform or equipment, or be visible on the employee.

1026.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Captain.

1026.3 UNIFORM CLASSES

Specific uniform and equipment specifications shall follow this order

1026.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. Possession of the Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Officer/Reserve Officer Class A - LAPD navy-blue Ike jacket, LAPD navy blue wool-blend long-sleeve shirt, LAPD navy-blue wool-blend uniform pants, tie, hat, and accessories.

1. When wearing the Class A uniform the department issued, regular duty hip holster shall be worn (drop, swivel, tactical leg holsters, etc are not authorized).
2. For ceremonial purposes, particular accessory items may be deleted from the duty belt; i.e., O.C. spray, radio, baton, etc.
3. White gloves may be worn when called for.

(b) CSO Class A - Uniform long-sleeve shirt, uniform pants with tie and clip.

1. White gloves may be worn when called for.

(c) SUPERVISOR/ DISPATCHER/ CLERK Class A - Medium-blue long-sleeve uniform shirt, navy-blue pants or navy-blue shirt skirt (female employees), tie with clip, and plain black or navy-blue shoes.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. 1. White gloves may be worn when called for.

1026.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

(a) Officer/Reserve Officer Class B - LAPD navy-blue long or short-sleeve shirt (tie or dickie optional), and LAPD blue pants, a uniform car-coat may be worn. Polyester-blend shirts shall be worn with polyester-blend pants, and wool-blend shirts shall be worn with wool-blend pants.

When the uniform shirt is worn without a tie:

1. A black or white round-necked undershirt (no exposed buttons) shall be worn exposed approximately two inches above the front neckline, or,
2. A black turtleneck or black dickie type neck apparel may be worn.

b. CSO Class B - Uniform short or long-sleeve shirt with uniform pants, tie or black dickie is optional, car coat or sweater is optional.

c. SUPERVSOR/DISPATCHER/CLERK Class B - Same as Class A except for jacket or blazer, tie, dickie, and long sleeve shirt are optional.

1026.3.3 CLASS C UNIFORM
The Class C uniform may be established to allow field personnel cooler clothing during the summer months, comfortability during inclement weather or special duty.

a. Officer/Reserve Officer/CSO Class C - Black two-piece field utility uniform as provided with bloused boots and full leather gear and baseball style approved hat (optional).

1. The canine officer may wear the field utility uniform when conducting searches, at training, or while conducting demonstrations.

1026.3.4 CLASS D UNIFORM / BICYCLE PATROL
Officers assigned to Bicycle Patrol shall wear “Bratwear” or similar brand dark navy bicycle shorts with “Bratwear” or similar brand dark navy long-sleeve or short-sleeve uniform shirt, or LAPD navy-blue long or short-sleeve uniform shirt (with shoulder patches) with LAPD navy-blue uniform short pants hemmed, 1 to 2 inches above the knee, “Flying Cross” LAPD blue short or long-sleeve “command type” lightweight shirt, (“Bratwear” or polyester-blend shirts shall be worn with “Bratwear” or polyester-blend pants, and LAPD blue shirts shall be worn with LAPD blue pants), “Fechheimer” LAPD blue short pants, white “Polo” type shirt with embroidered badge and name (only when assigned to dedicated Bicycle Patrol), “Bratwear” or similar dark navy-blue police long

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

bicycle pants (optional), “Bratwear” black with chrome-grey cape police jacket (optional), uniform car-coat jacket as defined this order.

1. The bicycle uniform shirt or jacket will have “POLICE” in lettering across the back.
2. Officers assigned to the Bicycle Patrol may have:

   a. A 3-inch seven-point star sewn above the center breast shirt or jacket pocket in accordance with this order, and

   b. Officer and Sergeants shall have their last name embroidered centered and above the right breast shirt pocket with silver thread when the seven-point star is sewn on.

3. Safety Equipment for Bicycle Officers

   a. Officers assigned to Bicycle Patrol shall be issued a safety helmet with the word “POLICE” on both sides of the helmet.

   b. Black bicycle gloves

   c. Safety glasses

1026.3.5 CLASS E UNIFORM / CIVILIAN DRESS
Civilian clothes may be worn as authorized.

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style. Detective personnel shall normally wear coordinating dress slacks, a dress type shirt, and dress shoes. When appropriate, a tie shall be worn. When necessary, to accommodate a particular assignment, other clothing may be authorized by the Detective Sergeant.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style. When necessary, to accommodate a particular assignment, other clothing may be authorized by the Detective Sergeant.

(d) The following items shall not be worn on duty:

   1. T-shirt alone
   2. Open toed sandals or thongs
   3. Swimsuit, tube tops, or halter-tops
   4. Spandex type pants or see-through clothing

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the San Bruno Police Department or the morale of the employees.

1026.3.6 CLASS F UNIFORM / TRAFFIC-MOTORCYCLE OFFICER

Class F - Officers assigned to motorcycle duty shall be governed by the above uniform class distinctions with the following substitutions:

1. Breeches for uniform trousers (LAPD navy-blue)
2. Motorcycle boots, for uniform shoes
3. Safety helmet for the uniform cap
4. Clip-on tie or bow tie
5. Leather jacket or car jacket (optional)

(a) The Class A uniform for officers assigned to motorcycle duty shall include:

1. Safety helmet
2. LAPD navy-blue wool-blend long-sleeve shirt and LAPD navy-blue wool-blend breeches
3. Tie
4. LAPD navy-blue Ike jacket
5. Motorcycle boots
6. Socks
7. A chrome, silver, gold, or brass-colored whistle chain which corresponds to the appropriate rank may be worn with the chain attached to the right side epaulet of the shirt and the whistle, when not in use, concealed in the right shirt pocket.

1026.3.7 CLASS G UNIFORM /HONOR GUARD

The following shall constitute the basic Honor Guard Uniform:

1. Stratton Felt Campaign Hat, navy with silver cord and black leather chin strap.
2. Campaign hat trap.
3. Premier shoulder cord, silver in color
4. Safariland duty belt, hi-gloss black color
5. Safariland gun holster, level I, low ride, hi-gloss black color

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

6. Safariland handcuff case, hi-gloss black color
7. Peerless chain link handcuff
8. Bates chukka shoe, hi-gloss black
9. 5.11 tactical performance polo
10. name plate, 3/8 polished silver, first initial and last name
11. American flag bar
12. Flying Cross single breasted HG jacket, silver 1/2" braid, silver piping,
13. Flying Cross HG pant, silver 3/4" braid
14. Custom hat badge
15. Custom honor guard patches
16. jacket collar pins

1026.3.8 INCLEMENT WEATHER
Officers and Community Service Officers:

During inclement weather, the wearing of waterproof uniform cap covers, raincoats, rain pants, and rubber footwear shall be at the option of the individual.

A. Black or clear, vinyl (or vinyl-like) or nylon (or nylon-like) uniform hat cover.

B. Raincoats and rain pants shall be black vinyl (or vinyl-like) or black nylon (or nylon-like) material (reversible yellow and black coat of the same specified materials is optional).

C. Civilian pants may be worn under rain gear, provided they are not exposed to view.

D. The Class C uniform is authorized for use during inclement weather.

1. For purposes of this provision, inclement weather shall constitute weather conditions or an assignment which would expose the employee to heavy rainfall and/or flooding conditions.

1026.3.9 OFFICERS AND RESERVE OFFICERS

1. The following items shall constitute their basic uniform.

A. Cap, LAPD blue with cap badge piece

B. Shirt, LAPD blue (long or short-sleeve)

1. Polyester-blend shirts shall only be worn with polyester-blend pants, and wool shirts shall only be worn with wool pants.

C. Jacket, LAPD blue (Class A "Ike")

D. Jacket, black (nylon or similar material)

E. Trousers, LAPD blue

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

F. Belt, black basket-weave

G. Tie, black (clip-on)

H. Badge - 7-point Star type (issued by Department)

I. Nameplate (chrome or brass-plated which matches the appropriate badge- issued by the Department)

J. Duty belt with holster, handcuffs, handcuff case, magazine case with two magazines, baton ring, key strap, OC spray with holder, knife with holder optional, ASP with case optional, and radio holder (all items are basket-weave design except radio holder).

K. Pistol,.45 caliber Glock Semi-Automatic (issued by Department)

1. Ammunition, 40 rounds

L. Baton, twenty-six inches, wood or plastic (unaltered) or ASP (expandable baton

M. Whistle (metal or black plastic)

N. Shoes or boots, jogging, walking, or running, black leather or leather-like

O. Socks, black or navy blue

P. Prescribed insignias

Q. Prescribed field equipment

2. The uniform shall fit properly, be neat, clean, and in good repair.

1026.3.10 COMMUNITY SERVICE OFFICER

1. The following items shall constitute their basic uniform:

A. Cap, medium blue with badge (chrome)

B. Shirt, medium blue (long or short-sleeve)

C. Jacket, black (nylon or similar material)

D. Trouser, LAPD navy-blue

E. Belt, black basket weave

F. Tie, black (clip-on)

G. Badge - shield type (issued by Department)

H. Nameplate (chrome)

I. Whistle (chrome, silver metal, or black plastic)

J. Shoes or boots, jogging, walking, or running black leather or leather-like

K. Socks, black or dark navy-blue

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. The uniform shall fit properly, be in a neat, clean condition, and in good repair

3. When the uniform shirt is worn without a tie or dickie:

A. A white round-necked undershirt shall be worn exposed approximately two inches above the front neckline (not applicable if a dickie is worn).

1026.3.11 RECORDS SUPERVISOR, DISPATCHER, AND RECORDS CLERK

1. The following items shall constitute their basic uniform.

A. Shirt, Medium Blue (long or short-sleeve)

B. Jacket or blazer, Navy-blue

C. Pants, Navy-blue

D. Skirt, navy-blue (optional for female personnel)

E. Tie, clip-on (optional for female personnel)

F. Badge - 7-point Star type (issued by Department)

G. Nameplate (chrome plated)

H. Shoes, navy-blue or black

I. Socks, black or navy-blue, hose (optional for female personnel), flesh-tone, clear black or dark-blue.

J. Belt, black or navy-blue with silver colored buckle

2. The uniform shall fit properly, be in a neat, clean condition, and in good repair.

3. When the uniform is worn without a tie or dickie:

A. Male employees will wear a round-necked white undershirt (no buttons exposed) approximately two inches above the front neckline.

B. Unless wearing a tie, employees shall have all shirt buttons secured except the top button.

1026.4 INSIGNIA AND PATCHES

Specific uniform regulations regarding the below information can also be found in the following sections.

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.

(b) Service stars, indicating length of service may be worn on long-sleeved shirts and jackets.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

(f) Flag Pin - A flag pin may be worn, centered above the nameplate.

(g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1026.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1026.5 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, San Bruno Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the San Bruno Police Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1026.6 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1026.6.1 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the San Bruno Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words “Honorably Retired” clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the San Bruno Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1026.7 SPECIFIC UNIFORMS, EQUIPMENT AND ACCESSORIES SPECIFICATIONS

San Bruno Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

San Bruno Police Department employees may not use or carry any safety item, tool or other pieces of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

1026.7.1 POLICE OFFICER AND RESERVE OFFICER

1. Uniform Ike Jacket

A. The uniform Ike jacket shall be constructed with coat-style shoulder pads and arm shields. The star holder shall be 1-1/4 inches wide and 2 inches long and shall be sewn on the left breast, 1 inch above the pocket; the top and bottom of the star holder shall be sewn down with the sides of the star holder loose. The pleats in the jacket-back shall reach from the shoulder to the belt. The jacket shall be equipped with a brass zipper, gilt police buttons on the jacket flaps, pockets and equipment straps. All seams shall be double stitched.

1. The material used shall be wool, LAPD navy-blue color equivalent to lot #8818 (LAPD navy-blue).

B. Department Stripe

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. Police Officer and Corporal - Shall be army-blue broadcloth edged in black machine embroidered rayon. Overall width 5/8 inch and attached to the jacket 3-1/2 inches from the bottom of each sleeve.

2. Sergeant - Shall be white broadcloth edged in white nylon thread. Overall width 5/8 inch and attached to the jacket 3-1/2 inches from the bottom of each sleeve.

3. Lieutenant - Shall be gold broadcloth edged in gold nylon thread. Overall width ½ inch and shall be attached to the jacket 3-1/2 inches from the bottom of each sleeve.

4. Captain - Two stripes shall be gold broadcloth edged in gold nylon thread. Overall width ½ inch and shall be attached to the jacket 3-1/2 inches from the bottom of each sleeve with a ¼ inch space between each stripe.

5. Chief - One stripe, shall be gold broadcloth edged in gold nylon thread. Overall width 1 inch and shall be attached to the jacket 3-1/2 inches from the bottom of each sleeve. A second gold stripe ½ inch in width shall be attached ½ inch above the first stripe on each sleeve.

C. Buttons

1. Police Officer, Corporal and Sergeant - All buttons on the jacket shall be chrome in color.

2. Lieutenant, Captain, and Chief - All buttons on the jacket shall be gold in color.

D. Shoulder Insignias (Patch) - the insignias shall be worn on both sleeves of the uniform Ike jacket by all sworn personnel. The insignia shall be attached ½ inch below the sleeve-head seam of the jacket.

E. Corporal Chevron - The two-stripe chevron shall be of infantry-blue broadcloth, piped in yellow-gold broadcloth on a background of navy-blue or black broadcloth. One chevron shall be attached to each sleeve 5-1/2 inches below the sleeve-head seam.

F. Sergeant Chevron - The three-stripe chevron shall be of infantry-blue broadcloth, piped in yellow-gold broadcloth on a background of navy-blue or black broadcloth. One chevron shall be attached to each sleeve 5-1/2 inches below the sleeve-head seam.

G. Lieutenant Bar - One gold in color bar, approximately 1 inch in length and 3/8 inch in width, shall be placed on each shoulder strap, parallel and ¾ inch from the shoulder seam of the jacket.

H. Captain Stars - One gold in color, shall be placed on each shoulder strap, parallel and ¾ inch from the shoulder seam of the jacket.

I. Chief Stars - Four, 1 inch gold in color five-point star, shall be centered on each shoulder strap.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

J. Nameplates (first and last name) shall be attached on the uniform Ike jacket ¼ inch over the right breast pocket, horizontally centered.

K. Service stars shall be worn on the left sleeve of the uniform Ike jacket, one star for every five years of law enforcement service. The first star shall be placed 5/8 inch to the left of the center of the sleeve, point down, 1 inch above the Departmental stripe. Two stars shall be placed 1-1/4 inches from center to center, equidistant from the centerline of the sleeve, point down. The third star shall be placed to the left of the center line of the sleeve, so the center of the third star is 1-1/4 inches from the center line, on the same line as the first two stars. The fourth star shall be placed to the right of the center line of the sleeve, so the center of the fourth star is 1-1/4 inches from the center line. Subsequent stars, fifth, sixth shall be placed 1 inch above the first four stars in the same manner as the first row.

2. Uniform Car Jacket

A. May be heavy duty, water repellent, black nylon or nylon-like material, therm foam (or therm foam type) insulation, interlined cuff, vinyl imitation fur collar (optional), waist or ¾ length, combination gilt “P” buttons and/or optional concealed zipper, Departmental shoulder insignia shall be worn on each shoulder.Sergeant/Corporal chevrons shall be affixed as described herein.

B. May be light duty, water repellent, black nylon or nylon-like material, without quilted lining, fur collar (optional) or front buttons, with gilt “P” buttons and/or concealed zipper in the front. Departmental shoulder insignia shall be worn on each shoulder. Sergeant chevrons shall be affixed as described herein.

C. Optional “Memphis” Style leather jacket - The jacket shall be genuine black in color steerhide or horsehide. The zipper must pull straight up and not across the body; two front pockets with Velcro type closure, shoulder epaulets, badge tab, no exposed buttons. Uniform patches shall not be attached to this jacket.

1. All closure and pocket buttons on the uniform car-jacket shall be as follows:

a. Police Officer and Sergeant - Chrome in color

b. Lieutenant and Above - Gold in color

c. Nameplates - Shall not be worn on the optional “Memphis” style jacket or leather motorcycle jacket.

d. Leather motorcycle jacket shall be worn by officers assigned to motorcycle duties. The jacket shall be genuine black in color steerhide or horsehide, top-grade only. It shall be styled with a fur collar, or leather collar, leather cuff, and leather bottom. The jacket shall be made in one piece, back with a yoke, longest point 6-1/2 inches, and front to be made in one piece. The waistband shall not be less than 2-1/2 inches wide with seven snap loops and one loop on the inside facing directly in the center at the rear and faced with leather. The jacket and sleeves shall be fully lined with Farr Alpaca Company’s best quality black rayon or equivalent material.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

The star holder shall be made of the same material as the jacket and shall have two metal eyelets placed an inch apart and be oval shaped, approximately 3-1/2 inches wide and 4 inches long, securely sewn to the jacket.

D. Except for leather jackets, a three-inch seven-point star may be embroidered on the car jacket. If the star is embroidered on the car jacket, the metal nameplate or embroidered name of the officer must be worn. The specifications for rank are specified below:

1. Officers and Corporals- A three-inch seven-point star sewn above the center of the left breast pocket in silver thread fill with black lettering: “SAN BRUNO POLICE.”

2. Sergeants - A three-inch seven-point star sewn above the center of the left breast pocket in silver thread fill with navy-blue lettering: “SERGEANT” in an arc at the top, “POLICE” in an arc at the bottom, “SAN BRUNO” in small letters in the center.

3. Lieutenants, Captain, Chief - A three-inch seven-point star sewn above the center of the left breast pocket in gold thread fill with navy-blue lettering with the appropriate rank in an arc at the top, “POLICE” in an arc at the bottom, “SAN BRUNO” in small letters in the center.

3. Uniform Shirt, Long and Short Sleeve

A. The uniform long-sleeve and short-sleeve shirt shall be solid LAPD navy-blue in color and made of a standard tropical wool cloth or a dacron/polyester equivalent similar or equal to Flying Cross #717 or #6595.

1. The long-sleeve shirt shall have a pleated seam down the front, with a plain turn-down collar attached. Two front pockets with scalloped button-down flaps; all buttons on shirt shall be black in color, six-button front, two button cuffs, and one button on sleeve plaque. Army style shoulder straps (epaulets); star holder to be made of same material as the shirt. Double sleeve reinforcement on elbow extending into the cuff at the bottom and into the sleeve seam, cut into one piece is optional. Pocket flaps shall be fastened down at the corners with snaps or velcro strips.

2. The short-sleeve shirt front shall be a coat style front, the buttonhole side to be made with a box pleat or plaquette 1-1/2 inches wide finished and to run the entire length of the shirt. Two front pockets with scalloped button-down flaps; all buttons on shirt shall be black in color, six-button front. Army type shoulder straps (epaulets); star holder to be made of same material as the shirt. Pocket flaps shall be fastened down at the corners with snaps or velcro strips.

a. The long-sleeve and short-sleeve shirts shall have a military press.

b. The long-sleeve and short-sleeve shirts may have a zipper installed, but the zipper shall be covered by the 1-1/2 inch wide plaquette.

4 Uniform Military Type Sweater

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

A. Black command-style sweater with uniform patches may be worn (optional) in conjunction with the uniform shirt.

1. Sweaters shall be similar or equal in style to the “Flechheimer” Heavy Rib Knit 00811 black with badge holder and Jersey Knit 00831 black with badge holder.

a. An embroidered seven-point star may be sewn on the sweater in lieu of wearing a badge. The specifications for the star shall be the same as indicated in this order.

5. Department Insignias

Shoulder patches shall be sewn with yellow thread on both shoulders of all shirts and jackets, except rain and leather, with the top of the patch ½ inch below the sleeve-head seam.

A. Rank Insignia

1. Chief of Police - Four gold in color five-point star, 3/8 inch diameter. Shall be placed 1-3/8 inches from each collar tip centered between both edges.

2. Captain - One gold star, approximately 1/2 inch in diameter. Shall be placed on each collar tip.

3. Lieutenant - One gold in color bar, approximately 1 inch in length and 3/8 inch in width. Shall be placed on each collar tip.

4. Sergeant - (long and short-sleeve shirts) a three-striped chevron shall be of infantry-blue broadcloth, piped in yellow-gold broadcloth on a background of black or navy-blue. One chevron shall be attached to each sleeve 5-1/2 inches below the sleeve-head seam. Stripes on the short-sleeve shirt are optional. Short-sleeve shirt, if no sewn stripes, shall have a metal sergeant chevron with blue stripes on a silver in color background, approximately 1 inch in length and 1 inch in width. Shall be placed on each collar tip.

5. Corporal - (long and short-sleeve shirts) a two-striped chevron shall be of infantry-blue broadcloth, piped in yellow-gold broadcloth on a background of black or navy-blue. One chevron shall be attached to each sleeve 5-1/2 inches below the sleeve-head seam. Stripes on short-sleeve shirt are optional. Short-sleeve shirt, if no sewn stripes, shall have a metal corporal chevron with blue stripes on a silver in color background, approximately 1 inch in length and ¾ inch in width. Shall be placed on each collar tip.

B. Assignment Insignia

1. Field Training Officer Pin - (FTO) Two FTO insignias ¾ inch in length and 3/8 inch in width. Shall be placed on each collar tip.

2. Motorcycle Officer Insignia - A gold spoked wheel with a white horizontal arrow through the center. The arrow point is on the left side of the wheel with a white bird’s wing attached to the hub and covering the upper right corner of the wheel. It shall be on a background of navy-blue broadcloth. The insignia shall be attached to the left sleeve

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

5-1/2 inches below the sleeve-head seam. Officers who satisfactorily complete a tour of duty on motorcycle patrol may, at their option, continue to wear the insignia.

3. Canine Officers - Shall wear a silver in color bar, “K-9,” approximately ¾ inch in length and ½ inch in width. The insignia shall be centered and above nameplate.

4. D.A.R.E. Officer Pin - The DARE Instructor Pin may be worn as a tie tack, or centered above the nameplate, or to the left of the nameplate, or on the right side of the right shirt pocket.may also be worn on the Ike jacket.

5. C.I.T. Trained Officers- Shall wear a silver in color pin, "C.I.T.", approximately 1 1/2 inches in length and 1/2 inch in width. The insignia shall be centered and above the nameplate.

6. SWAT Trained Officers- Shall wear a silver in color pin "SWAT", approximately 1 3/4 inches in length and 1/2 inch in width. The insignia shall be centered and above the nameplate.

C. Nameplates for all ranks shall be worn as follows:

1. Uniform Shirt: The nameplate for all ranks shall be worn approximately 1/8 inch above the right breast pocket flap, centered on the pocket.

2. Uniform Ike Jacket: The nameplate for all ranks shall be worn approximately 1/8 to ¼ inch above the right breast pocket.

3. Nylon Car Jacket and Rain Coat: A nameplate or embroidered name shall be worn on this garment in conjunction with an embroidered seven-point star.

D. Service stars shall be attached to the long-sleeve uniform shirt in the same manner in which they are attached to the uniform Ike jacket.

E. Distinguished Service/Commendation

1. Medals of Commendation may be worn on either the Ike jacket or uniform shirt and shall be worn on the left side of the right pocket flap.

2. City Service Awards may be worn on the uniform shirt or used as a tie tack. When worn on the shirt, it shall be worn on the left side of the right pocket flap.

3. Special Awards Pins (10851 CVC, Avoid the 23, etc.) shall be worn centered and above the nameplate.

4. Shooters Pin shall be worn centered below the nameplate.

a. Silver colored metal for Officers and Sergeants.

b. Gold colored metal for Lieutenant, Captain, and Chief of Police.

6 Uniform Trousers

A. The pants shall be either Flying Cross #8818 or B1349, or equivalent, LAPD navy-blue.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

B. Slack type, medium sized at knee and bottom and properly fitted for males and females.

C. Length shall be that there will be little or no break at the cuff line. The bottom of the leg shall be no less than 16-1/2 inches or exceed 19 inches in circumference.

D. Pockets, two side, two rear (with or without pocket flaps), one short baton and one flashlight pocket. All pockets shall be of heavy canvas or equivalent type material. The rear pockets shall be 5-1/2 inches wide and 7 inches deep. There shall be dark-blue cloth diamonds at each corner of all pockets.

E. Motorcycle Breeches - Shall be made of standard lot #13507-96 material or its equivalent.

7 Uniform Hat

Shall be the same material as uniform Ike jacket, eight-point style, with hat piece.

A. Lining shall be high count quality gold all rayon pre-shrunk, completely covered with plastic sweat protector, a plastic pocket shall be attached thereon to allow for a nameplate. A grommet shall be inserted inside the cap; either a ¾ inch tubular all nylon elastic band or a 3/8 inch wire band shall be used to fill out the cap.

B. The visor shall be army shape, black composition, 2-1/8 inches, sewn to inside of the frame, and so mounted as to form a 35-degree angle downward from the front of the cap. The front edge of the visor shall be bound with ¼ inch heavy black plastic. Buttons to be 24 line, gilt “P” in wreath with ¾ inch prongs. One metal eyelet is to be placed in the front of the cap, so as to accept the proper cap piece, six metal eyelets on each side of the cap are to be properly spaced for ventilation.

C. Front Cap Bands

1. Patrol Officer - shall be black in color with nickel 24 line, “P” buttons.

2. FTO Corporal and Sergeant - shall be silver in color with nickel 24 line, “P” buttons.

3. Lieutenant and Captain - shall be gold in color with gold 24 line gilt “P” buttons.

4. Chief - The visor shall have ornamentation to be embroidered in gold-colored nylon with two arcs of oak leaves in groups of two.

D. Cap Badge Piece

1. Patrol Officer and Corporal, shall be all nickel. The bottom plate surmounted by a circle with crossed batons and eagle, a raised five-point star in the center of the circle (similar to Irvine and Jachens Badge #123). It shall be 2-1/2 inches high and 2 inches wide. The lettering on the bottom plate shall be in ¼ inch soft black enameled letters spelling out “POLICE.”

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

2. Sergeant, Lieutenant, Captain, and Chief - Shall be the same design as that of a Police Officer's, except the lettering on the bottom plate shall be blue enamel and spell out the respective rank and,

a. Sergeant badge shall be nickel.

b. Lieutenant, Captain, and Chief of Police badge shall be gold colored metal.

8 Safety Helmets

A. Crowd Control Helmet

1. The helmet shall be Department issue, round, black in color, with an attached pull-down plastic face-shield.

2. The chin strap shall be black in color, fastened to the helmet.

3. The helmet may be worn with the authorization of the Watch Commander; i.e. bar fights, riots, mutual-aid responses, etc.

4. The helmet will be stored in the issued cloth bag.

B. Bicycle Helmet

1. ASTM, SNELL, and ANSIZ80.4 Certified equivalent or greater.

2. White with black lettering "POLICE" on both sides.

3. The helmet shall be worn with the chin strap fastened while operating a Department bicycle.

4. The chin strap shall be black in color, fastened to the helmet.

9. Motorcycle Officers substituted equipment:

A. Helmet - Shall be ¾ or full-face coverage, white with edge finished in black trim.

1. The helmet shall be worn at all times while operating the motorcycle.

B. Boots - Regulation field boot of black calf, plain toe, laced over the instep not more than 8 inches and laced at upper outside not more than 4 inches, or a black leather English-type riding boot, plain toe, without any straps or laces.

C. Bow Tie - Black clip-on with square end bow. It shall be worn only when breeches are worn.

D. Scarf - A black wool, cotton, or rayon may be worn.

E. Dickey - A black wool, cotton, or rayon dickey may be worn.

10. Uniform Tie - All Sworn Personnel

A. The tie shall be a snap-away or break-away style, black in color, wool or polyester blend equivalent. Tied type ties are prohibited.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

11. Uniform Socks - All Sworn Personnel

    A. Socks shall be solid black or midnight-blue in color when worn with black oxford shoes, or high-top laced shoes. Any color may be worn with black boots, 9 inches or higher up the calf.

    B. Officer working Bicycle Patrol in short pants shall wear solid white or black socks.

12. Uniform Boots or Shoes - All Sworn Personnel

    A. Standard black military shoes, either low-cut with plain toe or high-cut style with plain cap toe or black leather (ankle high) chukka shoes, or all black leather or leather-like running, jogging or walking shoes with leather capable of being shined. Wellington style boots or equivalent may be worn. No fancy stitching or perforations may be worn with regular duty uniform.

13. Gloves - All Sworn Personnel

    A. Black leather gloves of a plain design, wrist length without buttons or fancy stitching, may be worn. With the exception of Bicycle Patrol gloves, no cutaway of fingers or portion of shall be permitted. Sap or lead-loaded gloves are not allowed and shall not be worn at any time.

        1. Motorcycle officers may wear black leather motorcycle gauntlets while operating a motorcycle.

        2. Officers assigned to Bicycle Patrol may wear black bicycle gloves.

    B. White gloves shall be of a plain design, wrist length, cotton or rayon. They shall be worn at Departmental inspections and other times as directed by the Chief of Police.

14. Field Utility Uniform

    A. Field uniform shirt - Flame retardant material, black in color. Has large bellow chest pockets with snap-down flap, pencil pocket and inside flashlight pocket. The zipper is concealed with flame protecting flap, black material.

        1. An embroidered badge corresponding with rank as specified in this order.

        2. An embroidered name tag corresponding with rank as specified in this order.

    B. Field uniform pants - Same material as the jacket. Has six roomy pockets, two massive expando-side carrier pockets, and flap closures, two slant hip pockets and two back pockets with snap-down flaps, black material.

    C. Boots - Military combat jump boots; all black leather or nylon material.

    D. When the field utility uniform is worn, the trousers shall be bloused over the boots unless specifically exempted by a commanding officer or when being worn during inclement weather conditions.

    E. The exception of the wearing of leather gear may be exempted by a commanding officer in specific situations; i.e. training, etc.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

F. The Departmental issued pro-style baseball hat may be worn when the field utility uniform is authorized for use.

15. Uniform Trousers Belt and Buckle

A. The belt shall be of basket weave, 1-3/4 inches wide, polished black leather. (Velcro belt without buckle is optional)

B. The buckle for Patrol Officer, Corporal and Sergeant shall be nickel or chrome finish, rectangular in shape, plain finish, measuring approximately 2-1/2 inches high and 2 inches wide. Any other type of buckle design or shape shall require written permission from the Chief of Police.

C. The buckle for Lieutenant, Captain, and Chief shall be brass finish, rectangular in shape, plain finish, measuring approximately 2-1/2 inches high and 2 inches wide. Any other type of buckle design or shape shall require written permission from the Chief of Police.

16. Tie Bar or Tie Tack

A. Patrol Officer, Corporal, and Sergeant - A nickel, silver, chrome, or any equivalent style metal tie bar or tie tack of a conservative size and style may be worn. The service pin may also be worn as a tie tack.

B. Lieutenant, Captain, Chief - A gold, brass or equivalent style metal tie bar or tie tack of a conservative size may be worn. The service pin may also be worn as a tie tack.

17. Star

A. Police Officer/Corporal - A sterling silver plated, a 3-inch convex shaped star with seven points and the following lettering shall appear on it: “SAN BRUNO” in an arc at the top of the star, “POLICE” in an arc at the bottom, and a number in the center. All lettering shall be printed in black enamel.

B. Sergeant - A sterling silver plated, a 3-inch convex shaped star with seven points, and shall have engraved tips, borders, and center. The following lettering shall appear on it: “SERGEANT” in an arc at the top, “POLICE” in an arc at the bottom, “SAN BRUNO” in small letters in the center; the number in gold-filled material at the bottom. All lettering shall be printed in blue hard enamel.

C. Lieutenant, Captain, Chief - A gold-filled, 3-inch convex shaped star with seven points, and shall have engraved tips, borders, and center. The following lettering shall appear on it:in an arc at the top, the appropriate rank shall be reflected, “POLICE” in an arc at the bottom, “SAN BRUNO” in small letters in the center, the number in gold-filled material at the bottom (except in the Chef’s star, where no number shall appear). All lettering shall be printed in blue hard enamel.

18. Nameplate

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Shall be a nickel-plate for Patrol Officer and Sergeant and gold-plated for Lieutenant, Captainr, and Chief. Polished to a smooth jewel-like finish with rounded corners and edges. Measurements of the nameplate shall be approximately 2-1/4 inches by 3/8 inch by 1/16 inch. Lettering to be deeply engraved and black lacquer filled, it shall indicate the first and last name. Refer to this order for placement of the nameplate.

19. Holster - All Sworn Personnel

A. The holster shall be “Safariland Model 6360 Level III” or equivalent. Shall be laminate material and of basket weave design; having a hammer strap, thumb snap device.

1. Optional holsters may be worn upon receipt of written authorization from the Chief of Police.

a. Request to the Chief of Police must be in writing.

b. Holster must meet safety requirements.

c. Officer must be certified by the range master as being proficient in the use of the holster.

20. Belt Keepers (optional only with optional Velcro belt)

They may be of either single or double snaps or Velcro basket weave, but of only one type when worn.

A. Patrol Officer, Corporal, and Sergeant, silver-plated snaps.

B. Lieutenant, Captain, and Chief, brass-plated snaps.

21. Gun Belt

A. The leather shall be basket weave, black polished, top grain steer-hide, stitched with heavy linen thread and 2-3/8 inches wide and worn with the use of belt keepers (Velcro gun belt optional).

1. The belt buckle worn by Patrol Officers, Corporals and Sergeant shall be chrome-plated.

2. The belt buckle worn by Lieutenant, Captain, and Chief shall be brass-plated.

B. The optional Velcro style gun belt shall meet the same requirements as above.

22. Handcuff Case

A. The leather shall be basket weave design, black polished, top grain steer-hide, with a snap button flap or Velcro flap. The snap button shall be chrome-plated for Patrol Officer and Sergeant. The snap button shall be brass plated for Lieutenant, Captain, and Chief.

23. Handcuffs

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

A. The type of handcuffs used shall be “Peerless” or “Smith and Wesson. "Hiatt” handcuffs are optional. They may be blued steel, nickel, or chrome-plated. Handcuffs of other colors or designs may be approved by the Chief of Police.

24. Magazine Case

A. The leather shall be basket weave design, top grain steer-hide, with two compartments, which is equivalent to “Safariland Model 77 Glock 21.” The snap buttons (if equipped) shall be chrome-plated for Patrol Officer, Corporals, and Sergeants. The snap buttons shall be brass-plated for Lieutenant, Captain, and Chief.

1. A minimum of 26 Department-issued.45 caliber rounds shall be carried in the magazines when in uniform.

2. A minimum of 13 Department-issued.40 caliber rounds shall be carried in the handgun.

25. Key Strap/Key Case (optional)

A. The leather shall be basket weave design, black polished, top grain steer-hide. The key strap shall be ¾ inch wide and 4-1/2 inches long, with single or double snap buttons. The snap button shall be chrome-plated for Patrol Officers, Corporals, and Sergeants and shall be brass-plated for Lieutenant, Captain, and Chief. The key case shall be 2 inches wide and 3 inches long with a black snap key-holder and a Velcro flap closure.

26. Baton Ring and Strap (not required if carrying an ASP)

A. The leather shall be basket weave design, black polished, top grain steer-hide, with a single ring and a snap button. The ring and snap button shall be chrome-plated for Patrol Officers and Sergeant and shall be brass-plated for Lieutenant, Captain, and Chief.

1. The baton ring and strap shall be worn at all times on the gun belt and it shall be positioned so that when the long baton is inserted in the ring, the baton will lie against the outside trouser seam on the side opposite the holster.

27 Long Baton (personnel shall receive certification training prior to being authorized to carry any of the following batons:

A. The long baton shall be made of black plastic, straight-grained hickory, eastern maple, walnut, rosewood or any other equivalent hardwood and shall comply with the following specifications.

1. The weight shall not be more than 18 ounces nor less than 12 ounces.
2. The length shall not be more than 28 inches nor less than 26 inches.
3. It shall not be loaded or weighted in any manner.
4. The color shall be black or dark wood finish, and well maintained.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

B. ASP (Armament Systems and Procedures, Inc.) and black leather or black plastic basket weave case (optional)

C. PR-24 (optional)

28. Buck Knife (or similar) and Case (optional)

A. A “buck” or similar type folding knife with a blade no longer than 4 inches, safety lock, and black basket weave case may be worn on the gun belt.

29. Whistle

A. A whistle shall be carried; it shall be chrome or black plastic in color for a Police Officer and Sergeant; it shall be brass or black plastic for Lieutenant, Captain, and Chief.

30. Mini-Recorder and Case (optional)

A. The carrying of a mini-recorder is optional. If worn on the duty belt, the case shall be black basket weave.

31. Oleoresin Capsicum Spray (OC Spray, Pepper Spray) and Case

A. The type approved for use shall be “First Defense MK-IV,” 3-ounce container in aerosol stream spray issued by the Department shall be carried. The case shall be black basket weave.

32. Conducted Energy Device (CED) and Holster)

A. The type approved for use shall be the “TASER X25P.” The holster shall be black basket weave. Personnel shall receive Department approved certification training prior to being authorized to carry a CED on-duty.

33. Rain Apparel

A. The following rain apparel is approved for wear by officers of this Department:

1. Coats - No shoulder insignias. Will be black in color with yellow and black reversible, as optional.

Material: Good quality nylon or nylon-like fabric, with black front snap buttons and collar.

Style: Regulation police ¾ length raincoat with badge shield on left breast pocket (hood and/or zipper, full-length trench coat optional).

2. Pants - Black in color.

Material: Same as the coat.

Style: Full-length, cut through pockets, black front snap buttons. When rain pants are worn, the wearing of other than uniform trousers underneath is optional. Pants may be worn at the option of the officer.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

B. Footgear - The wearing of footwear such as rubbers, overshoes, etc., is authorized at the option of the officer when the weather warrants. All footwear shall be black in color.

C. Hat - Uniform cap-covers shall be black or clear in color, and may be worn when weather warrants at the officer's discretion.

During inclement weather, the Department-issued baseball cap may be worn in lieu of the uniform hat when worn in conjunction with rain pants and rain jacket or Class C uniform.

34. Pen, Pencil

A. A pen and pencil shall be carried; to assist with reproduction, the pen will be black ink only and the pencil will be no. 2 lead.

1. These equipment items are issued by the Department or may be individually purchased by the officer.

35 Notebook or Pad

A. A pocket-sized notebook or notepad shall be carried by the officer.

36. Ballistic Vest (issued by the Department)

A. Officers are required to wear only the Department-issued ballistic vest when in uniform, see body armor policy for further.

B. For Officers wishing to utilize an external vest carrier the following shall apply:

Officers may only purchase the external vest carriers from the approved vendor. This will ensure uniformity. External vest carriers with or without pouches must have an appearance similar to a uniform shirt.The vendor has been provided with the approved specifications and they may not be altered. The department issued sidearm and any extra TASER cartridges not attached to the TASER shall remain on the Sam Browne duty belt. TASER cartridges shall not be kept in vest carrier pockets. The external vest carriers will be in LAPD blue. External vest carriers with pouches will be equipped from the right torso to the left torso as follows:

Right panel: Small utility/Flashlight pouch.

Center panel: Medium pouch with TASER X26P, Pistol magazine pouches, Radio pouch

Left panel: ASP baton pocket for officers that utilize the ASP baton. Any officer that doesn't carry an ASP baton will be required to keep a baton ring on their duty belt and a small utility pouch may be substituted.

Back panel: Pull down police identification panel and two handcuff pouches on the lower back. The pouches on the front of the vest may be mounted in a mirror image if preferred.

Officers assigned to patrol shall wear the existing department issued metal name tag and metal badge on the vest. The embroidered badge may be worn in place of the metal badge

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

when the external vest is utilized for special assignments or training. The LAPD blue vest carriers may be worn with the black department issued utility uniform.

Officers choosing to wear the external vest carrier may, at their own expense, purchase the department approved Flying Cross DutyGuard HT pull-over for use in lieu of a car jacket. The pullover shall be black in color and have department patches affixed to each shoulder as per this policy. This pull-over shall only be worn in conjunction with the external vest carrier and with no other uniform combination.

Officers choosing to wear the external vest carrier may, at their own expense, purchase the department approved Flying Cross FX Hybrid Patrol Shirt (or equivalent) for use in lieu of the standard long/short sleeved uniform shirt. The Hybrid Shirt shall be LAPD blue in color and have department patches affixed to each shoulder as per this policy. This Hybrid Shirt shall only be worn in conjunction with the external vest carrier and with no other uniform combination.

Officers shall continue to maintain a sufficient supply of regular uniforms (shirts and necessary duty belt items) and shouldn't allow the quality of these uniforms to suffer by utilizing their uniform allowance for external vest carriers.

Officers should be mindful that future vest size and shapes may vary and result in the necessity for individual officers to replace the external vest carriers.

Officers will be personally responsible for the initial purchase and all future replacement costs of external vest carriers and pull-over jackets.

37 . SHOES

a. Will be cleaned and polished at all times and maintained in good condition.

38. Miscellaneous

A. A flashlight equivalent to or better than a"Streamlight SL 20X" shall be carried by uniformed officers during hours of darkness.

C. Baseball cap, Departmental issue, with a cap bill. Cap with lettering stating "SAN BRUNO POLICE."The cap may only be worn during inclement weather conditions as defined in Section 2.6.D.1 of this order, during range practice, during a special tactical operation, training sessions or when approved by the Chief of Police.

39. Plain Clothes Personnel

A. Proper dress for officers working in civilian clothing shall be either a business suit, sports coat, and slacks, or casual attire which includes wearing slacks and a collared, buttoned shirt. Care should be taken to ensure that such attire is not overly casual or in need of repair or replacement.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

B. Commanding officers may prescribe other types of clothing when necessary to meet a particular objective.

C. In all cases, where a plainclothes employee is scheduled for a court appearance, he/she shall appear in court in suitable business attire, including a sports coat, slacks, and a tie for male personnel. If an off-duty employee is scheduled for a court appearance, he/she may either wear a uniform with long-sleeve shirt and tie, or suitable business attire, including a sports coat, slacks, and a tie for male personnel, dress or business attire for female employees.

40. Additional Equipment

Any item of equipment or clothing not covered in these appendices is prohibited unless approved in writing by the Chief of Police.

1026.7.2 SPECIFIC UNIFORM SPECIFICATIONS FOR COMMUNITY SERVICE OFFICER

1. Uniform Car Jacket (Nylon) or Sweater (Navy-Blue)

A. Specifications are the same as noted previously in this order for Officer.

2. Uniform Shirt, Long-Sleeve and Short-Sleeve

A. The uniform shirt shall be solid medium-blue in color and equal to specifications noted previously for Officer in this order except Flying Cross #6625 or Jaguar Conqueror #4444 or equivalent.

3. Department Patches

A. Shoulder patches shall be sewn with yellow thread on both shoulders of all shirts and jackets, except rain gear, with the top of the patch ½ inch below the sleeve-head seam.

4. Uniform Trousers

A. The uniform pants shall be LAPD navy-blue and equal to specifications previously noted in officer section of this order.

5. Uniform Hat

Shall be the same as noted in previously in Officer section of this order, except in medium-blue.

A. Front Cap Band shall be black in color with nickel 24 line, “P” buttons.

B. Cap Badge Piece

1. Same as noted previously in Officer section of this order, except the lettering on the bottom plate shall be ¼ inch soft black enameled letters spelling out “CSO.”

6. Uniform Tie

A. The tie shall be a snap-away or break-away style, black in color, wool or polyester-blend equivalent. Tied ties are prohibited.

7. Uniform Socks

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

A. Socks shall be solid black or midnight-blue in color with the following exceptions. When worn with 9-inch or higher boots, any color may be worn. When worn with flats (female employees), a flesh-tone, clear, navy-blue, or black hose may be worn.

8. Uniform Boots or Shoes

A. Standard black military shoes, either low-cut with plain toe or high-cut style plain cap toe or black leather (ankle high) chukka shoes, or black leather or leather-like running, jogging, or walking shoes with leather capable of being shined. Wellington boots or equivalent may be worn.No fancy stitching or perforations may be worn with the regular duty uniform. Female personnel working primarily in the office may wear black or blue leather or leather-like flats.

9. Gloves

A. Black leather gloves or a plain design, wrist length without buttons or fancy stitching, may be worn. No cutaway of fingers or portion of shall be permitted.

10. Utility Uniform Class C Uniform

A. Shall me to of the same specifications as the Field Utility Uniform for Officer.

11. Uniform Trousers Belt and Buckle

A. The belt shall be of basket weave, 1-3/4 inches wide, polished black leather (Velcro belt without buckle is optional).

B. The buckle shall be nickel or chrome-finish, rectangular in shape, plain finish, measuring approximately 2-1/2 inches high and 2 inches wide. Any other type of buckle design or shape shall require written approval from the Chief of Police.

12. Tie Bar or Tie Tack

A. A nickel, silver, chrome, or an equivalent style metal tie bar or tie tack of a conservative size and style may be worn. The service pin may also be worn as a tie tack.

13. Shield

A. Sterling silver plated metal, shield style, approximately 3 inches high and 1-3/4 inches wide with an eagle with ribbon on top and a scrolled eagle in center, and the following lettering shall appear on it: “COMMUNITY SERVICE OFFICER” in an arc at the top in small letters and “SAN BRUNO” in an arc at the bottom in larger letters. All lettering shall be printed in black enamel.

14. Nameplate

A. Shall be a nickel-plate, polished to a smooth jewel-like finish with rounded corners and edges. Measurements of the nameplate shall be approximately 2-1/4 inches by 3/8 inch by 1/16 inch. Lettering to be deeply engraved and black lacquer filled, it shall indicate the first and last name. Refer to Officer section of this order for placement of the nameplate.

15. Rain Apparel

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

A. Shall be the same as specified in this order for Officers.

During inclement weather, the Department-issued baseball cap may be worn in lieu of the uniform hat when worn in conjunction with rain pants and rain jacket or Class C uniform.

1026.7.3 UNIFORM SPECIFICATIONS-RECORDS SUPERVISOR,DISPATCHER, CLERK
1. Specific Uniform Specifications for Records Supervisor, Dispatcher, and Police Clerk

A. Female Employees

1. Uniform Jacket, Blazer, Sweater, or Vest

1. "Uniforms ToYou," Tiffany II Blazer, either 55/45 polyester/wool or 75/25 polyester/wool in Navy, or

2."Uniforms ToYou," 6-button blazer, 55/45 polyester/wool in Navy, or

3. "Uniforms ToYou," Button Front Cardigan 100314/20 Navy or

4."Uniforms ToYou," Cardigan Sweater Vest 100313/20 NavyB. Uniform Pants, Skirts, or Slacks

2. Pants or slacks (Any of the below-listed combinations is acceptable to wear) "Uniforms ToYou

1. Dress Pants 37340/95 Navy, or

2. Zip Front Slacks, 14880/20 Navy, or

3. Pleated Slacks 14900/20 Navy or 100167/20 Navy, or

4. Double Pleated Pants 37280/20 Navy or 100176/20 Navy.

5. Pants that are LAPD navy-blue and equal to specifications noted for of this order.

3. "Uniforms ToYou" Skirts

A. Classic Skirt 38720/20 Navy

B. Classic Skirt 100181/20 Navy

C. Invert Pleat Skirt 12350/20 Nav

B. Male Employees

1. Trousers, slacks

(a) "Uniforms ToYou" navy-blue pants, or

(b) Uniform pants that are LAPD navy-blue and equal to specifications noted in Section 3.6.A. through 3.6.D. of this order.

2. Jacket

(a) Specifications are the same as noted in above in this order, or

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(b) “Uniforms ToYou,” Arlington II Blazer in Navy, or Classic II DB Blazer in Navy

3. Uniform Shirt, Long-Sleeve and Short-Sleeve (all employees)

(a) The uniform shirt shall be solid medium-blue in color and equal to specifications noted in the above section for Community Service Officer.

2. Department Patches

(a) Shoulder patches shall be sewn with yellow thread on both shoulders of all shirts and jackets, except rain gear, with the top of the patch ½ inch below the sleeve-head seam.

3.Nameplates shall be worn as follows:

(a) Uniform Shirt: The nameplate shall be worn even with the top of the right breast pocket flap, centered on the pocket.

4. Uniform Tie

(a) The tie shall be snap-away style, black in color, wool or polyester-blend equivalent. Tied type ties are prohibited.

5. Uniform Socks/Hose

(a) Socks shall be solid black or navy blue in color when worn. Any color may be worn with black boots 9 inches or higher up the calf.

(b) Female employees may wear flesh-tone, clear, black, or navy-blue hose.

6. Uniform Boots or Shoes

(a) Standard plain black or navy-blue leather or leather-like with no open toes.

7. Uniform Pants, Slacks - Belt and Buckle

(a) Belt shall be black or navy leather or leather-like, with silver-toned conservative type buckle.

8. Tie Bar or Tie Tack

(a) A silver metal tie bar or tie tack of conservative size may be worn. The service pin may also be worn as a tie tack. A silver metal tie bar or tie tack of conservative size may be worn. The service pin may also be worn as a tie tack.

9. Star

(a) Record Supervisor - A sterling silver plated, 2-3/4 inch convex shaped star with seven points with a ribbon across the top and shall have engraved tips, borders, and center. The following lettering shall appear on it: “RECORD AND DISPATCHING” in small lettering on the ribbon, “SUPERVISOR” in an arc below the ribbon and in larger lettering, “SAN BRUNO” in small letters in the center, and “POLICE” in an arc at the bottom. All lettering shall be printed in blue hard enamel.

(b) Dispatcher - A sterling silver plated, 2 ¾ inch convex shaped star with seven points and the following lettering shall appear on it: “SAN BRUNO” in an arc at the top of the star, “POLICE” in an arc at the bottom, smaller lettering in the center “CLERK DISPATCHER” with a number. All the lettering shall be printed in black enamel.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(c) Clerk - A sterling silver plated, 2 ¼ inch convex shaped star with seven points and the following lettering shall appear on it: “SAN BRUNO” in an arc at the top of the star, “POLICE” in an arc at the bottom, smaller lettering in the center “CLERK” with a number. All the lettering shall be printed in black enamel.

10. Nameplate

(a) Shall be nickel-plated and polished to a smooth jewel-like finish with rounded corners and edges. Measurements of the nameplate shall be 2 ¼ inches by 3/8 inch by 1/16 inch. Lettering to be deeply engraved and black lacquer filled, it shall indicate the first and last name.

11. Personal Appearance/Wearing of Jewelry

(a) The Record Supervisor, all Dispatchers, and all Clerks shall comply with the applicable sections previously noted in this order.

12. Civilian Dress

(a) Commanding officers may prescribe other types of clothing when necessary to meet a particular objective or need.

(b) In all cases, when a Record Supervisor, a Dispatcher, or a Clerk appears in court, other than in Class A uniform, he/she shall appear in court in suitable business attire, including a coat, slacks, and a tie for males.

13. Any item of equipment or clothing not covered in these appendices must be approved in writing by the Chief of Police.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Police Explorers

1027.1 PURPOSE AND SCOPE

Explorers work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1027.2 EDUCATION REQUIREMENTS

Explorers are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Explorers shall complete six semester units of college course work per semester and senior Explorers shall complete 12 units per semester.

1027.3 PROGRAM COORDINATOR

The Administrative Sergeant or School Resource Officer will serve as the Program Coordinator(s). This supervisor will be responsible for tracking the educational and job performance of Explorers as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all Explorers and review all decisions affecting job assignments, school attendance and performance evaluation.

1027.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Explorers Program. These officers will serve as mentors for each Explorer. Explorers will bring special requests, concerns, and suggestions to their program adviser for advice or direction before contacting the Program Coordinator. One adviser may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the Explorers. Multiple Explorers may be assigned to each program adviser. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

1027.4 ORIENTATION AND TRAINING

Newly hired Explorers will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Explorer Training Manual. Training sessions will be scheduled as needed to train Explorers for as many assignments as possible. In addition to job-specific training, information will be offered to prepare Explorers to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1027.5 EXPLORER UNIFORMS

Each Explorer will be provided two uniforms meeting the specifications described in the Uniform Manual for non-sworn employees.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1027.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each Explorer. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Administrative Sergeant.

In general, senior Explorers will be assigned to positions requiring more technical skill or responsibility, as well as serving to train Explorers for new assignments or those newly hired.

1027.7 RIDE-ALONG PROCEDURES

All Explorers are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Shift Sergeant. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniform while participating on a ride-along.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Nepotism and Conflicting Relationships

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1028.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1028.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1028.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1028.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Department Badges

1029.1 PURPOSE AND SCOPE

The San Bruno Police Department badge and uniform patch as well as the likeness of these items and the name of the San Bruno Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1029.2 POLICE BADGE NUMBER CONTROL (SOP)

(a) The assignment of badge numbers in the proper order is the responsibility of the Support Services Lieutenant and shall be completed within three weeks of the start of each calendar year.

(b) Badge numbers shall be assigned to personnel by the number matching the employee's seniority status in a particular job classification. (IE: the officer who has been a San Bruno officer for the most number of years will be issued Police Officer badge #1).

(c) Personnel being assigned to other classifications shall be assigned the badge number matching their seniority in that particular classification. (IE: a sergeant with the most years of service in the sergeant rank will be assigned Sergeant badge #1, even though another sergeant with a higher number of years with the department may gain the sergeant rank at a later date). Personnel in all other classifications who are ordinarily assigned badge numbers shall follow the same procedure.

(d) When determining the length of service an employee has, only the years with the San Bruno Police Department will be considered.

(e) If two or more persons have the same starting date as police officers, the following, in order, shall govern seniority:

1. Employee(s) with continuous prior service with the City of San Bruno. In the event there is more than one employee with continuous service with the City, the length of employment with the City shall be the determining factor.

2. Where employees are Police Recruits and have completed the same basic academy, the order of seniority shall be based upon their overall class standing at the conclusion of the academy.

3. In the event more than one employee is appointed to the position of Police Officer on the same date pursuant to the lateral/pre-trained process, the Chief of Police will determine seniority based upon an examination of the candidates' training and experience.

(f) If a member leaves the employ of the department, the replacement employee shall be given the a badge number next in succession to the highest number previously issued in that particular job classification. If no badge number is available, then the never employee shall be issued any other number available until the next badge rotation.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

1029.3 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1029.3.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the San Bruno Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1029.3.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1029.3.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1029.4 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1029.5 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the San Bruno Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Radio Call Identifiers (SOP)

1030.1 PURPOSE AND SCOPE

To provide acceptable radio codes. In addition to providing a means of personal identification, this system is intended to communicate the user's function and/or capacity within the Department.

1030.2 RADIO CALL SYSTEM

To facilitate a common understanding regarding the application of the radio call system, the following example and legend is provided for clarification:

A.	B.	C.
30	P	24

Thirty - Paul - Twenty-Four

(a) (a) 30- A numeric prefix denoting agency of origin within San Mateo County, assigned to the San Bruno Police Department.

(b) P- Alpha identifier denoting function and/or capacity within the organization.

A	(Adam)	Administration
C	(Charles)	Support Service Officer/ Corporal
D	(David)	Investigations
K	(King)	Canine Handler
L	(Lincoln)	Lieutenant
N	(Nora)	Community Service Officer
P	(Paul)	Patrol Officer
R	(Robert)	Reserve Officer
S	(Sam)	Sergeant

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

T	(Tom)	Traffic Officer

(c) 24- Numeric suffix denoting the personal identification of the user. Generally, this number will coincide with the user's badge number related to the employee's organizational capacity; i.e. Officer, Community Service Officer, Sergeant, Reserve, etc.

(a) The following personal identifications are exceptions are issued directly related to the employee's function:

Chief of Police	30 A 1
Captain of Police	30 A 2 or 30 A 3
Lieutenant of Police	30 L 1 or 30 L 2

1030.3 ASSIGNMENT OF RADIO CALL IDENTIFIERS

The Captainis designated as the person responsible for assigning radio call identifiers and maintaining a current assignment roster.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Temporary Modified-Duty Assignments

1031.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1031.2 POLICY

Subject to operational considerations, the San Bruno Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1031.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the San Bruno Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1031.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Captains or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Captain will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Division Captain, with notice to the Chief of Police.

1031.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the supervisor or division lieutenant.

The employee assigned to light duty should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1031.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and update the change of shift/assignment via the department schedule program.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the division lieutenant apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

extension to the division lieutenant with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the division lieutenant and complete and process a change of shift/assignment via the department schedule program. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1031.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1031.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee’s medical appointments, as mutually agreed upon with the Division Captain.

1031.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Captain that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1031.5.2 SUPERVISOR RESPONSIBILITIES

The employee’s immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

(a) Periodically apprising the Division Captain of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Captain and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1031.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1031.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

1031.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1031.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1031.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Employee Speech, Expression and Social Networking

1032.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1032.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1032.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the San Bruno Police Department will carefully balance the individual employee’s rights against the Department’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

1032.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the San Bruno Police Department employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1032.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the San Bruno Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the San Bruno Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the San Bruno Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the San Bruno Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the San Bruno Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1032.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the San Bruno Police Department or identify themselves in any way that could be reasonably perceived as representing the San Bruno Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the San Bruno Police Department.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1032.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1032.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1032.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Attachments

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Hate Crime Checklist.pdf

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

HATE CRIME CHECKLIST

VICTIM

Victim Type:

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
(e.g., non-profit, private, public school)
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

Target of Crime (Check all that apply):

☐ Person ☐ Private property ☐ Public property

☐ Other _____

Nature of Crime (Check all that apply):

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

BIAS

Type of Bias
(Check all characteristics that apply):

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
(e.g., 9/11, holy days)
☐ Other: _____

Specify disability (be specific):

_____

_____

Actual or Perceived Bias – Victim's Statement:

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

If perceived, explain the circumstances in narrative portion of Report.

Reason for Bias:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Bias Indicators (Check all that apply):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

Describe with exact detail in narrative portion of Report.

HISTORY

Relationship Between Suspect & Victim:

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
If Yes, describe in narrative portion of Report

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
If Yes, describe in narrative portion of Report
Type of order: _____ Order/Case# _____

WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

HATE CRIME CHECKLIST

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

OBSERVATIONS

VICTIM	SUSPECT
☐ Tattoos	☐ Tattoos
☐ Shaking	☐ Shaking
☐ Unresponsive	☐ Unresponsive
☐ Crying	☐ Crying
☐ Scared	☐ Scared
☐ Angry	☐ Angry
☐ Fearful	☐ Fearful
☐ Calm	☐ Calm
☐ Agitated	☐ Agitated
☐ Nervous	☐ Nervous
☐ Threatening	☐ Threatening
☐ Apologetic	☐ Apologetic
☐ Other observations: _____	☐ Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you? ☐ Yes ☐ No

Has suspect ever harmed you? ☐ Yes ☐ No

Does suspect possess or have access to a firearm? ☐ Yes ☐ No

Are you afraid for your safety? ☐ Yes ☐ No

Do you have any other information that may be helpful? ☐ Yes ☐ No

Resources offered at scene: ☐ Yes ☐ No Type: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

Paramedics at scene? ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Statutes and Legal Requirements.pdf

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

INDEX / TOPICS

. 33
. 357
. 357
. 360

A

ABBREVIATIONS 16
ACCOUNTABILITY TO SUPERVISOR . . 21
ACKNOWLEDGEMENTS
Policy manual. 18
Policy revisions. 18
ADMINISTRATIVE INVESTIGATION . . . 76
ADMINISTRATIVE INVESTIGATIONS
OIS 76, 76, 76
OIS 76, 76
Vehicle damage. 489
ADULT ABUSE 150
Investigations. 440
AIRCRAFT
Accidents. 405
Flying while armed. 89
ALCOHOL
Vehicle use. 485
ALCOHOL 604
ALCOHOL USE 604
ALCOHOL, INTOXICANTS 212
AMMUNITION 83
Gun violence restraining order surrenders. 283
ANIMALS 307
APPOINTMENTS
Communications supervisor. 493
Community relations coordinator. . . . 287
Forfeiture reviewer. 458
Operations director 463, 467
Petty cash fund manager. 490
PIO. 225
ARRESTS
Consular notifications. 546
First amendment assemblies 392, 394
Log. 226
Seat belts. 613
ASSET FORFEITURE 453
AUDIO/VIDEO RECORDING
Custodial interrogation. 439
OIS. 78
AUDIO/VIDEO RECORDING, HOLDING CELLS
INSPECTIONS, Holding cells. 551
AUDITS
Petty cash. 490
AUTHORITY
Canine handler. 126
Policy manual. 16
AUTHORITY, ETHICS 207
AUTOMATED EXTERNAL DEFIBRILLATORS (AED) 402
AUTOMATED LICENSE PLATE READERS (ALPR) 375

B

BADGE
Mourning Badge. 676
BATON 104
BIOLOGICAL SAMPLES
Hazards. 406
BODY ARMOR 614
BOMBS
Aircraft accidents. 406
MDT/MDC. 356
BRADY MATERIAL 595
BREATH TEST 427

C

CASH
Custodial searches. 556
CASH HANDLING, SECURITY AND MANAGEMENT 490
CASH, CUSTODY
Phone Calls 551, 551
CHIEF EXECUTIVE 14
CHILD ABUSE 167
CHILDREN
Firearms. 86
Transporting. 612
CITATIONS 411
CIVIL
Liability response. 78
Subpoenas. 229
CIVIL DISPUTES 396
CIVILIAN/NON-SWORN 16
CIVILIAN/NONSWORN
Crisis intervention incidents. 388
CODE-3 67
COMMAND STAFF
Policy review. 18
COMMENDATIONS AND AWARDS . . . 642

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

COMMUNICABLE DISEASE
Health orders. 299
COMMUNICATIONS CENTER 493
COMMUNICATIONS CENTER
Crisis intervention incidents. 387
COMMUNICATIONS WITH HEARING IMPAIRED OR DISABLED 253
COMMUNITY RELATIONS 287
COMPUTERS
Digital evidence. 441
CONDUCT
OIS. 71
Standards of conduct. 211
CONFIDENTIALITY
ALPR. 377
Communications center. 497
Custodial telephone calls. 549
Radio broadcasts. 355
CONTACTS AND TEMPORARY DETENTIONS
Warrant service. 465
CONTROL DEVICES
First amendment assemblies. 393
Training. 331
CONTROL DEVICES 103
CONTROL DEVICES 103
CONTROL DEVICES, CUSTODY
FIREARMS, Custody. 550
CORRESPONDENCE 33
COURT APPEARANCES 228
COURT ORDERS
Canine controlled substance. 132
Gun violence restraining order surrenders. 283
COURT ORDERS, CIVIL DISPUTES . . . 397
CRIME SCENE AND DISASTER INTEGRITY 298
CRISIS INTERVENTION INCIDENTS . . 385
CUSTODIAL INTERROGATIONS 439
CUSTODIAL SEARCHES 555
CUSTODIAN OF RECORDS 528

D

DAMAGE BY CITY PERSONNEL 222
DEATH
Native American Graves (NAGPRA). . . 285
DEATH INVESTIGATION 247
DEATH NOTIFICATION 248
DEBRIEFING
OIS. 78
Tactical. 79
Warrant service. 465
DECONFLICTION 469
DEFECTIVE VEHICLES 481
DEFINITIONS 16
DEPARTMENT OWNED PROPERTY . . . 474
DEPARTMENT PROPERTY
Loss Or Damage. 475
DISABLED
Motorist. 433
DISASTER PLAN 36
DISCIPLINE 207
DISCLAIMER 15
DISCLOSING INFORMATION 712
DISCRIMINATORY HARASSMENT . . . 161
DISTRIBUTION 16
DOMESTIC VIOLENCE
Reporting of Employee Convictions. . . 602
DOMESTIC VIOLENCE 108
DRIVING
MDT/MDC. 354
DRIVING TACTICS 57
DRIVING, SAFETY SAFETY, CONDUCT FIREARMS, CONDUCT 212
DRUG USE 604
DUI ENFORCEMENT 425

E

ELECTRICAL LINES 339
ELECTRO-MUSCULAR DISRUPTION TECHNOLOGY DEVICE 91
ELECTRONIC CIGARETTES 609
ELECTRONIC MAIL 34
EMERGENCY MANAGEMENT PLAN . . . 36
EMERGENCY UTILITY 339
EVIDENCE
Digital. 441
NAGPRA. 285
Public Safety Video Surveillance. . . . 265
Seizing recordings. 383
EXPOSURE(S) 300

F

FIELD SOBRIETY TESTS 425
FIREARM SERIAL NUMBERS 513
FIREARMS
Destruction of animals. 310
Removal for vehicle maintenance. . . . 481
Retiree. 37
FITNESS FOR DUTY 646
FOREIGN
Nationals. 546

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

FOREIGN DIPLOMATIC AND CONSULAR REPRESENTIVES 325
FORMS
ICE. 335

G

GANGS, EMPLOYEE AFFILIATION . . . 207
GRIEVANCES
Supervisor authority. 16
GROOMING STANDARDS 664

H

HAZARDOUS MATERIAL 300
HAZARDOUS MATERIAL (HAZMAT) RESPONSE
Aircraft accidents. 406
HEARING IMPAIRED 253
HELICOPTER ASSISTANCE 343
HIGH-VISIBILITY VESTS 411
HOMELESS 378

I

IDENTITY THEFT 250
INFORMATION TECHNOLOGY USE
TECHNOLOGY USE 215
INITIATE A PURSUIT 53
INSPECTIONS
Vehicles. 484
INTERNAL AFFAIRS
Personnel records. 568
INTERNET ACTIVITY 712
INVESTIGATION AND PROSECUTION . 438

J

JAIL SEARCHES 545
JURISDICTION
Aircraft accidents. 406
Consular notifications. 546
OIS. 71
JUVENILES
Citations. 323

K

KEYS
Vehicle. 485
KINETIC PROJECTILES 105

L

LEG RESTRAINTS 100
LIMITED ENGLISH PROFICIENCY
Communications center. 495
Eyewitness identification. 449

M

MANUALS 36
MDT/MDC
Use. 484
Vehicles. 484
MEAL PERIODS AND BREAKS 649
MEDIA
Aircraft accidents. 407
OIS. 79
Operations plans. 471
Warrant service. 466
MEDICAL
Adult involuntary detention. 154
Aircraft accidents. 405
Examinations – Adult abuse. 155
For canines. 131
Leave act (FMLA). 607
Releases. 402
MEDICAL, SCREENING – CUSTODY ADULTS 548
MINIMUM STAFFING 22
MISSING PERSON
Definitions. 177
MOBILE AUDIO/VIDEO (MAV)
OIS. 78
MOBILE DIGITAL TERMINAL USE . . . 354
MODIFIED-DUTY ASSIGNMENTS . . . 707
MUTUAL AID
First amendment assemblies. 393
Warrant service. 465

N

NATIVE AMERICAN GRAVES (NAGPRA) 285
NONSWORN
Vehicles. 485
NOTIFICATION
Consular. 546

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

NOTIFICATIONS
Aircraft accidents. 406
Cash. 491
Impaired driving. 426
NAGPRA. 285
Sick leave. 607

O

OATH OF OFFICE 13
OC SPRAY 104
OFFICER SAFETY
Communications center 495, 497
Crime scene and disaster integrity. . . . 298
LEOSA. 37
Warrant service. 463
OFFICER-INVOLVED SHOOTING (OIS) . . 71
OPERATIONS PLANNING AND DECONFLICTION 467
ORGANIZATIONAL STRUCTURE 20
OUTSIDE AGENCY ASSISTANCE 240
OUTSIDE EMPLOYMENT 657
Change in Status. 660
Obtaining Approval. 657
Prohibited Outside Employment. . . . 658
Security Employment. 659
OVERTIME
Court. 230
OVERTIME PAYMENT 656

P

PARKING 485
PEPPER SPRAY 104
PERFORMANCE EVALUATIONS
Sick leave. 608
PERSONAL APPEARANCE 664
PERSONAL PROPERTY 474
Loss Or Damage. 475
PERSONNEL COMPLAINTS 578
PHOTOGRAPHS
Aircraft accidents. 407
First amendment assemblies. 391
PIO 225
POLICE CADETS 697
Program Advisors. 697
POLICY MANUAL 15
POLITICAL ACTIVITY 713
POLITICAL ENDORSEMENTS 713
PREGNANCY, CUSTODY 551
PRESS INFORMATION OFFICER 225
PRIVACY EXPECTATIONS
MDT/MDC. 354
Vehicles. 484
PRIVATE PERSONS ARRESTS 251
PROHIBITED SPEECH 712
PROTECTED INFORMATION
Communications center. 497
PROTECTIVE CUSTODY
Dependent adults. 154
PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY 382
PUBLIC SAFETY VIDEO SURVEILLANCE 263
PURSUIT INTERVENTION 62

R

RAPID RESPONSE AND DEPLOYMENT . 329
RECORDS BUREAU
Administrative hearings. 429
Impaired driving. 429
Suspicious activity reports. 400
RECORDS RELEASE
ALPR. 377
Child deaths. 174
Public safety video surveillance. 265
RECORDS REQUESTS
Personnel records. 570
RECORDS RETENTION
Oath of office. 13
REFLECTORIZED VESTS 411
RELIGION
NAGPRA. 285
RELIGION, ACCOMMODATIONS IN CUSTODY 549
REPORT CORRECTIONS 223
REPORT PREPARATION 220
RESERVE OFFICERS
Firearms Requirements. 238
RESERVE OFFICERS/DEPUTIES 233
RESPONSE TO CALLS 67
REVIEWS
Crisis intervention incidents. 389
Policy manual. 18
Public records on social media. 278
RIDE-ALONG
Eligibility. 312
RISK ASSESSMENT 467
ROLL CALL TRAINING 297

S

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department

SAFETY
Canine. 484
Communications center. 493
First responder. 298
Media. 225
Shotgun. 80
Temporary custody of adults. 547
SAFETY EQUIPMENT
First amendment assemblies. 392
SCHOOL EMPLOYEE REPORTING . . . 261
SEARCH & SEIZURE 148
SEARCH WARRANTS 463
SEARCHES
Crime scene. 299
Custodial. 555
Gun violence restraining orders. 282
Police vehicle inspections. 484
SEAT BELTS 612
SECURITY EMPLOYMENT 659
SICK LEAVE 607
SMOKING AND TOBACCO USE 609
SOCIAL MEDIA 276
SOCIAL NETWORKING 711
SPECIAL ORDER 35
STAFF 15
STAFFING LEVELS 22
STANDARDS OF CONDUCT 205
SUBPOENAS 228
SUBPOENAS
Failure To Appear. 231
SUBPOENAS AND COURT APPEARANCES 228
SUPERVISION DEPLOYMENTS 22
SUSPICIOUS ACTIVITY REPORTING . . 399

T

TAKE HOME VEHICLES 486
TASER 91
TEAR GAS 104
TEMPORARY CUSTODY OF ADULTS . . 543
TERMINATE A PURSUIT 55
TOLL ROADS 489
TRAFFIC FUNCTION AND RESPONSIBILITY
. 410
TRAFFIC OFFICER/DEPUTY 410
TRAFFIC SIGNAL 339
TRAINING
AED. 403
ALPR. 377
Canine. 131
Custodial searches. 559
Dispatcher. 498
First amendment assemblies. 395
Impaired driving. 430
Operation planning and deconflictio. . . 472
Opioid medication. 404
Public safety video surveillance. 265
Rapid response and deployment. 331
Social media. 278
Warrant service. 466
TRAINING PLAN 31
TRAINING POLICY 31

U

UNIFORM REGULATIONS 668
UNIFORMS
Courtroom attire. 230
UNITY OF COMMAND 21
UNLAWFUL ASSEMBLY 393
URINE TESTS 428
USE OF FORCE
First amendment assemblies. 393
USE OF SOCIAL MEDIA 276
UTILITY SERVICE 339

V

VEHICLE MAINTENANCE 481
VEHICLE PURSUITS 53
VEHICLES
Impound hearings. 423
VIDEO RECORDINGS
First amendment assemblies. 391

W

WARNINGS
Canine. 128
WARRANT SERVICE 463
WASHING OF VEHICLES 482
WATCH COMMANDERS 353
WATER LINES 339

Copyright Lexipol, LLC 2021/03/09, All Rights Reserved.
Published with permission by San Bruno Police Department